

25 FEBRUARY 1948

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Wednesday, 25 February 1948

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE LORD PATRICK,  
Member from the United Kingdom of Great Britain and  
HONORABLE JUSTICE I. M. ZARYANOV, Member from the USSR.,  
not sitting from 0930 to 1600; HONORABLE JUSTICE R. B.  
PAL, Member from India, not sitting from 0930 to 1045;  
HONORABLE JUSTICE E. STUART McDOUGALL, Member from the  
Dominion of Canada, not sitting from 1330 to 1600 and  
HONORABLE JUSTICE JU-AO MEI, Member from the Republic  
of China, not sitting from 1500 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All of the accused are present  
4 except UMEZU, who is represented by counsel. The  
5 Sugamo prison surgeon certifies that he is ill and  
6 unable to attend the trial today. The certificate will  
7 be recorded and filed.

8 Mr. Comyns Carr.

9 MR. COMYNS CARR: JJ-75. KIDO has also given  
10 three different contemporary accounts of the Senior  
11 Statesmen's Meeting on 17 October, of his reasons for  
12 opposing UGAKI and recommending TOJO, and two of communi-  
13 cations of the Emperor's and his own communications to  
14 TOJO and OIKAWA on the former's appointment: the diary,  
15 the November story<sup>b.</sup> and the long "resume" (hereinafter  
16 so named) reproduced in paragraph 216 of the affidavit;<sup>c.</sup>  
17 which does not deal with the last point. In addition  
18 paragraphs 211-215 and 217-221 give long accounts of the  
19 first and third points from memory.<sup>d.</sup> As to the reasons  
20 against UGAKI, who was supported by WAKATSUKI and to some  
21 extent by OKADA and ABE at the meeting, and "considerably  
22 and strongly stressed, and demanded from various quarters"<sup>e.</sup>

23 (JJ-75. a. Ex. 1154, T. 10291.  
24 b. Ex. 2250, T. 16198.  
25 c. T. 30991-31018.  
d. T. 30986-91, 31018-23.  
e. Ex. 2250, last par., T. 16198.)

1 in the "resume" the only reason he gave was that he had  
2 not had time to find out whether UGAKI would get suf-  
3 ficient Army support. However, in paragraph 216, page  
4 185 of his affidavit he admits <sup>f.</sup> that as a result of  
5 enquiries by MATSUDAIRA he thought there might not be  
6 such military opposition to him as before, but he did  
7 not suggest an adjournment to probe this further. In  
8 the November story he says he was definitely opposed to  
9 him because he thought the new Premier must be a man who  
10 knew all about the 6 September resolution as a member of  
11 the former cabinet. KIDO in paragraph 220 now swears <sup>g.</sup>  
12 that it was his considered opinion, shared by others,  
13 that UGAKI would not have been able to form a cabinet,  
14 or if he did, there would have been a revolution in Japan  
15 followed by war. This is contrary to both his contemp-  
16 orary stories. In the November story he gives the above,  
17 i.e., the need for a member of the former cabinet, as  
18 his only reason for recommending TOJO and in that cate-  
19 gory does not mention even having considered OIKAWA or  
20 anyone but TOJO. He there asserts that he got the  
21 approval of the members, but in the diary he only claims  
22 HIROTA, ABE, and HARA as having given positive approval.  
23 The "resume" agrees with the latter statement, but shows  
24 that HARA considered it unsatisfactory and only to be  
25

(JJ-75. f. T. 31013-4.  
g. T. 31021-2.)

adopted for want of a better suggestion. WAKATSUKI,  
 1 HAYASHI, and OKADA opposed in greater or less degree;  
 2 no opinion is recorded by the others. OIKAWA was  
 3 suggested, but OKADA and YONAI did not want the Navy to  
 4 recommend a naval man. In the resume, KIDO reports  
 5 fully the reasons he gave for recommending TOJO: that  
 6 agreements must be reached between the Army and Navy and  
 7 the 6 September decision must be re-examined, and that  
 8 TOJO recognized the need of this action and should be  
 9 ordered by the Emperor to carry it out. As always there  
 10 was no reference to the kind of agreement to be reached  
 11 or policy to be adopted.

12 JJ-76. In the last paragraph of the November  
 13 story, KIDO says, "I finally determined to recommend  
 14 War Minister TOJO to the Throne, being resolved to take  
 15 the whole responsibility on myself, I submitted the  
 16 recommendation to the Emperor."

17 a.  
 18 JJ-77. In paragraph 212 KIDO says, "Another  
 19 reason was TOJO's character. Since he was appointed  
 20 Minister of War, TOJO much respected Imperial wishes."  
 21 b.  
 22 And in cross-examination he says, "What I felt in regard  
 23 to TOJO was that if the Emperor told him to do something  
 24 he would faithfully obey." If this is true, why did he  
 25 not advise the Emperor in terms to order him not to make

(JJ-77. a. T. 30988-9.  
 b. T. 31596.)



war, but to agree to such terms as would secure peace?

1 In paragraph 213<sup>c.</sup> he says that on the morning of 17  
2 October, KONOYE (who was or claimed to be ill and did  
3 not attend the conference, but sent a long document which  
4 is incorporated in the "resume") told him that he recom-  
5 mended TOJO, "provided that he was given an Imperial  
6 command to scrap the decision of 6 September; use his  
7 efforts to effect co-operation between the Army and Navy;  
8 and **strive for peace.**" It is most significant that the  
9 last four words find no place in any part of any contemp-  
10 orary document, and particularly in the actual messages  
11 communicated by KIDO as from the Emperor to TOJO and  
12 OIKAWA after TOJO's appointment, nor does KIDO in para-  
13 graphs 218-9 of his affidavit<sup>d.</sup> allege that they did.  
14 The text of those messages is on the last page of the  
15 November story. Apart from the vital omission above-  
16 mentioned, two questions arise: (1) Why did KIDO deliver  
17 them instead of the Emperor, if not in order that he  
18 might be sure of phrasing them in his own way, (2) What  
19 inference could OIKAWA be expected to draw, having been  
20 passed over and leaving office, other than that a  
21 successor should be chosen who would fall in with TOJO's  
22 wishes. That part of the message which deals with the  
23 6 September resolution does not suggest any fresh  
24  
25

(JJ-77. c. T. 30990.  
d. T. 31018-21.)

1 concessions to the ABCD powers but merely a broader and  
2 deeper investigation of domestic and foreign affairs.

3 The whole thing in our submission plainly means no more  
4 than this -- "Before you decide on war be sure that both  
5 the Army and the Navy are agreed that we shall win."<sup>a.</sup>

6 JJ-78. The diary entries of 1<sup>b.</sup> November and  
7 26 November 1941, exhibit KIDO's caution and pre-  
8 occupation with the "unification of public opinion" after  
9 the Imperial Conference of 5 November. They do not, in  
10 our submission, show any advice to the Emperor to pre-  
11 vent war, but merely to make sure that all the risks had  
12 been considered and that it would receive united support.<sup>a.</sup>

13 JJ-79. The two telegrams of 26 November 1941<sup>b.</sup>  
14 and 28 November 1941 show that TOGO consulted KIDO about  
15 the proposal of NOMURA and KURUSU to get President  
16 Roosevelt to send a peace cable to the Emperor, as he<sup>c.</sup>  
17 afterwards did and KIDO opposed it. In paragraph 234<sup>d.</sup>  
18 he professes to have no recollection of this matter, but  
19 TOGO confirms his own statements in the second telegram  
20 and adds that KIDO said that if the conditions suggested  
21 by the Ambassadors were adopted, the result might be  
22 civil war.

23 (JJ-78. a. Ex. 1181, T. 10389.

24 b. Ex. 1190, T. 10429.

25 JJ-79. a. Ex. 2249, T. 16196.

b. Ex. 1193, T. 10442.

c. T. 31036-7.

d. Ex. 3646, T. 35707, 35804-6.)

1 JJ-80. The day after the Senior Statesmen's  
2 Meeting of 29 November 1941,<sup>a.</sup> in which KIDO does not  
3 record himself as saying anything, the Emperor said<sup>b.</sup>  
4 that there was still doubt as to the Navy's position and  
5 KIDO advised him to summon SHIMADA and NACANO to make  
6 sure and to inform TOJO of his intention. Later, the  
7 same day the Emperor told him that they had answered his  
8 question "with considerable confidence," so he was to  
9 instruct TOJO "to proceed as planned." In paragraph 239<sup>c.</sup>  
10 KIDO says that he does not know what they told him, but  
11 the diary as above quoted shows that he knew the sub-  
12 stance very well. In the last sentence of that paragraph,  
13 he says that the Emperor's instructions were to proceed  
14 with the Imperial Conference, not the war, basing this  
15 upon a statement not supported by the diary -- that  
16 earlier in the day TOJO had asked for and the Emperor  
17 had refused an Imperial Conference for 1 December. In  
18 any case it amounts to the same thing, because everybody  
19 clearly knew what the cut-and-dried decision was to be.  
20 KIDO offered no further advice to avert war, obviously  
21 we submit for the reason that he himself from the begin-  
22 ning had only wanted the assurance of the Navy's confi-  
23 dence in victory, and because, as he himself says in  
24 (JJ-80. a. Ex. 1196, T. 10452.  
25 b. Ex. 1198, T. 10468.  
c. T. 31045-7.)



d.  
 paragraph 235, he also regarded Hull's note of 26  
 1 November as "beyond the pale" to use his own expression  
 2 and as not coming within any of the categories of a  
 3 possibly acceptable answer laid down by him on 19  
 4 November.<sup>c.</sup> The question whether there is any possible  
 5 justification for the view has already been fully dis-  
 6 cussed.

JJ-81. The important diary entry of 8 December  
 8 a.  
 1941 deals with two matters. The first is President  
 9 Roosevelt's telegram and KIDO's visit to the Palace from  
 10 2:40 to 3:30 a.m. Here there is a sharp conflict be-  
 11 tween his account and TOGO's as to whether the latter  
 12 informed him of the contents of the telegram which in  
 13 paragraph 242 of his affidavit he denies,<sup>b.</sup> and TOGO  
 14 asserts<sup>c.</sup> that he did so when he met him at the Palace,  
 15 having described its general nature previously on the  
 16 telephone.<sup>d.</sup> KIDO is also contradicted on this point by  
 17 his Chief Secretary MATSUDAIRA who says<sup>e.</sup> that he heard  
 18 the contents, though not the details, from KIDO on the  
 19 same morning. It is remarkable that KIDO failed to call  
 20 this witness himself but obtained special leave to  
 21

22 (JJ-80. d. T. 31037.  
 23 e. Ex. 1181, T. 10389.  
 24 JJ-81. a. Ex. 1239, T. 10683.  
 b. T. 31048-9.  
 25 c. Ex. 3646, T. 35729.  
 d. T. 35797.  
 e. T. 35599-600.)

1 examine him when called as a witness for TOGO, although  
2 the matter was outside the scope of his affidavit. How-  
3 ever, he examined him on this point only, there being  
4 many on which he might have corroborated or contradicted  
5 KIDO, with the above result. In any case, KIDO cannot  
6 have failed to guess the subject matter of such a tele-  
7 gram at such a time, but he made no attempt to see the  
8 Emperor or to advise him to order the holding-up of  
9 hostilities while such an important matter was fully  
10 considered, although he declares that he did not know  
11 that they had already begun or when they were to begin.  
12 MATSUDAIRA was informed by the Foreign Ministry soon  
13 after 10 a.m. on the 7th, and again soon after 8 p.m.,  
14 that the message was known to be on its way, <sup>f.</sup> and must  
15 have passed the information on to KIDO as his duty was,  
16 but KIDO does not mention this. None of them say that  
17 they took any steps to trace it, and all allege that the  
18 first they knew of the contents was when or after Amba-  
19 sador Grew brought the telegram to TOGO. Yet the prac-  
20 tice was for the Foreign Ministry and the Chief of Staff  
21 daily to collect copies of any cables of interest to  
22 them, and on this day, messengers called frequently.  
23 The contents were certainly known in the Army Chief of  
24 Staff's office, even to junior members, before 6 p.m. <sup>g.</sup>

25 (JJ-81. f. T. 26168.  
g. T. 10570.)

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24 Staff's office, even to junior members, before 6 p.m.<sup>g.</sup>  
25

(JJ-81. f. T. 26168.  
g. T. 10570.)



JJ-82. The second matter in the diary entry of 8 December shows that at the time he was driving to the office which he records that he reached at 7:15 after a ten minutes drive, he had knowledge that the air raid on Hawaii had already been carried out.<sup>a.</sup> "Knowing of it, I was anxious about its result." This, we submit, shows clearly that he knew of it before the event, and when he describes it as a "surprise attack" he knew it had been made so. In paragraph 242, however,<sup>b.</sup> he asserts that he first heard of it a little after 6 o'clock by a phone call from an aide-de-camp. Obviously, if this important statement were true, (1) he would have mentioned it in the diary, and (2) the aide-de-camp would have been called to corroborate him or his absence accounted for. We ask the Tribunal to reject it. In paragraph 243 he<sup>c.</sup> also asserts that he heard it over the radio before leaving home. This is barely possible as a matter of time; we have proved that the announcement was not made until 7 o'clock and then did not mention Hawaii or Pearl Harbor,<sup>d.</sup> so that even if it were true it would not account for the knowledge shown in the diary.

JJ-83. In paragraph 249<sup>a.</sup> KIDO quotes a diary

- JJ-82. a. T. 31606.  
 b. T. 31048-50.  
 c. T. 31050.  
 d. Ex. 1234, T. 10636; Ex. 1235-A, T. 10639.  
 JJ-83. a. T. 31055-7.)

entry of 12 February 1942, as to the Emperor's expression of hope for an early peace. This is the matter which TOGO complains that KIDO concealed from him.<sup>b.</sup> In the previous paragraphs KIDO asserts that this was due to his influence but the only diary entry he quotes of 6 February<sup>c.</sup> in paragraph 248 of his affidavit does not support him; it shows him as saying, "The shortest way to peace is to fight it out."

JJ-84. The diary of 13 March 1942<sup>a.</sup> shows that KIDO knew of Mr. Eden's speech about the atrocities in Hongkong, and in paragraphs 247 and 250, his reference to public opinion in America<sup>b.</sup> show that he was receiving the foreign press reports. His statements in paragraph 251<sup>c.</sup> as to TOJO's denial of Eden's statements and KIDO's belief until the end of the war that prisoners were well treated should therefore, we submit, be rejected, especially in view of the falsity of his similar statement about Nanking. Similar remarks apply to the execution of American airmen<sup>d.</sup> and his explanation in paragraphs 254 and 258 of his affidavit.<sup>e.</sup> In paragraph 273<sup>f.</sup> he admits that SHIGEMITSU reported to him about the

(JJ-83. b. Ex. 3646, T. 35740, 35807.  
c. T. 31055.

JJ-84. a. Ex. 1985, T. 14606.  
b. T. 31053-4, 31058-9.

c. T. 31059-60.  
d. Ex. 1986, T. 14607; Ex. 1987, T. 14608.  
e. T. 31062, 31067.  
f. T. 31106-7.)

Swiss protests and difficulties he was having with the  
 1 Army over them. Yet, KIDO says that he assumed that the  
 2 position was being improved. Nowhere does it ever  
 3 appear that he reported to the Emperor as he should have  
 4 done, or advised him to intervene and insist on stopping  
 5 the outrages which were occurring within a few miles of  
 6 his office as well as in every theater of war.

7 JJ-85. The remainder of the affidavit is de-  
 8 voted chiefly to an account of KIDO's alleged peace  
 9 efforts after the war situation began to develop in a  
 10 way obviously unfavourable to Japan. We will not com-  
 11 ment in detail as this is, we submit, of minor importance,  
 12 beyond observing that very few of his statements are  
 13 supported by the diary. But the entry of 6 January 1944,<sup>a.</sup>  
 14 the effect of which is gravely misrepresented in para-  
 15 graph 262,<sup>b.</sup> calls for comment. It envisages possible  
 16 peace terms only in the event of Germany's collapse. In  
 17 the 3rd paragraph he calls for precautions against  
 18 "fellows like Badoglio" appearing in Japan. The terms  
 19 suggested are clearly not such as the Allies could have  
 20 considered, even so he says they may be thought too  
 21 conciliatory. Then comes his real idea: whereas on 7  
 22 August 1941<sup>c.</sup> he had talked of ten years' preparation  
 23

24  
 25 (JJ-85. a. Ex. 1276, T. 11367.  
 b. T. 31071-3.  
 c. Ex. 1130, T. 10198.)



1 before Japan could accomplish her aggressive intent, he  
2 now talks of "about a century," but the object is still  
3 the same, to be accomplished now by co-operation with  
4 the U.S.S.R. and China against Anglo-Saxon America and  
5 Britain -- "prepare our organization" and "quietly save  
6 our real strength."

1 JJ-86. At the Senior Statesmen's Conference  
 2 on 18 July 1944,<sup>a.</sup> to choose a successor to TOJO,  
 3 KIDO so far from advocating peace twice explained  
 4 that what he meant by "finishing the war" was to  
 5 choose an Army man for "the strengthening of home  
 6 defense, the increase of Army strength in the homeland  
 7 and that of the military police."

8 JJ-87. At the similar conference on 5 April  
 9 1945,<sup>a.</sup> which selected the successor to KOISO, again  
 10 he agreed with HIRANUMA that there was no way out  
 11 but to fight to the end. He said that precautions  
 12 must be taken against anti-militarism now when the  
 13 homeland is about to become a battlefield.

14 JJ-88. In paragraphs 296, 310 and 312,<sup>a.</sup>  
 15 KIDO states that on 18 June 1945 he advised the  
 16 Emperor to summon the Supreme Council for Direction  
 17 of War and command them to terminate the war. If  
 18 this is true, it shows that the Emperor had such  
 19 power and could have issued a similar command to  
 20 prevent the initiation of war. KIDO says that TOJO  
 21 would have obeyed an Imperial command,<sup>b.</sup> and if the  
 22 case now presented on behalf of more than one member of  
 23

- 24 JJ-86.. a. Ex. 1278, T. 11,377  
 JJ-87. a. Ex. 1282, T. 11, 388  
 25 JJ-88. a. T. 31, 159-61, T. 31, 188-9, T. 31,190-1  
 " b. T. 31596

1 TOJO's Cabinet is true, that they had been opposed  
2 to the war and yet voted for it, such a command would  
3 have received support within the Government. But  
4 KIDO gave no such advice.

5 (The following portion of the  
6 prosecution summation, not read, was trans-  
7 cribed into the record as follows:)

8 JJ-89. Relating these facts to the Counts  
9 in which KIDO is charged we submit:-

10 1. Taken as a whole they show him to be  
11 guilty of Counts 1-5; as to Count 2 we admit that  
12 he was not an original conspirator, but adopted  
13 and made use of the fruits of that particular conspiracy  
14 when he joined those charged in Counts 1 and 3.

15 2. A similar remark applies to Count 6  
16 although the war against China had begun, as far as  
17 the Manchurian Incident is concerned, long before  
18 we allege that KIDO joined the conspiracy, and the  
19 Marco Polo Bridge Incident had occurred shortly  
20 before, the process of planning and preparation for  
21 expansion of the war against China was continuous  
22 and he took a prominent part in it.

23 3. With regard to Counts 7-17 inclusive we  
24 say that while the planning and preparation for war had  
25 begun long before he joined the conspiracy he took an

1 active part in it when he was a party to the general  
2 expansion of warlike preparation in 1938 and continued  
3 so to the end.

4 4. We abandon Count 19 as against KIDO  
5 because the actual initiation took place before he  
6 joined the conspiracy.

7 5. There is ample evidence of his guilt on  
8 Counts 20-40, both as a member of the conspiracy and  
9 by direct participation.

10 6. With regard to Counts 25 and 26 he was  
11 a member of the cabinet when these attacks took  
12 place, and we submit is responsible as such, and as  
13 a conspirator for the acts of his fellow conspirators.

14 7. As to Counts 27-36 inclusive we submit  
15 that there is clear evidence of his responsibility  
16 for the waging of all the wars concerned, all of  
17 which took place while he held office.

18 8. With regard to Count 37 and Counts  
19 39-43 inclusive so far as they depend upon the absence  
20 of a declaration of war, we rely especially upon  
21 paragraphs JJ-81-2. On Counts 38 and 39-43 so far  
22 as they depend upon other breaches of International  
23 Law we submit there is ample evidence against him.

24 9. As to Counts 45-50 inclusive we rely  
25 especially upon paragraph JJ-34, so far as they allege



1 massacres contrary to International Law; so far as  
 2 they depend upon the same considerations as are  
 3 dealt with in Count 38 and 39-43 the remarks in sub-  
 4 paragraph 8 hereof apply, as they do also to Counts  
 5 51 and 52, coupled with those in sub-paragraph 6.

6 10. With regard to Counts 54 and 55, we  
 7 rely especially upon paragraphs JJ-34 and 84.

8 Where we say that we rely especially upon  
 9 certain paragraphs we mean that the whole case set  
 10 out herein is generally relevant to the Counts mentioned,  
 11 but those paragraphs have a particular bearing upon  
 12 them.

13 - - -

14 And now I ask my friend, Colonel Mornane,  
 15 to present the case in behalf of KIMURA.

16 THE PRESIDENT: Colonel Mornane.

17 COLONEL MORNANE: If the Tribunal please.

18 KIMURA, Heitaro

19 KK-1. KIMURA has been charged under Counts  
 20 1 to 17, 20 to 22, 24, 27 to 32, 34, 37 to 44, 53 to  
 21 55 of the Indictment.

22 I. GENERAL BIOGRAPHICAL

23 KK-2. Having held various army appointments  
 24 and having attained the rank of Colonel, the accused  
 25 KIMURA was on the 15th March 1935 appointed as Chief

1 of the Control Section, Mobilization Plans Bureau,  
 2 War Ministry.<sup>a.</sup> On the 1st August 1936 he was promoted  
 3 to the rank of Major-General and assigned as Director  
 4 of the Bureau of Ordnance at the War Ministry, a  
 5 post which he held until the 9th March 1939, when he  
 6 became a Lieutenant-General and was given command of  
 7 the newly formed 32nd Division, which was stationed at  
 8 Yenchou in China.<sup>b.</sup> The only importance attributed  
 9 to these earlier appointments is that they show the  
 10 accused as having been in a position to have detailed  
 11 knowledge of the preparations for, and the carrying  
 12 on, of Japanese aggression in China. There is no  
 13 detailed evidence as to anything which the accused  
 14 had done up to this time, but it is significant that  
 15 on 29th April 1940 he received the 3rd Class Order of  
 16 the Golden Kite and the First Order of Merit in  
 17 recognition of his services during the China Incident.<sup>c.</sup>

18 KK-3. On the 22nd October 1940 he was  
 19 appointed Chief of Staff of the Kwantung Army<sup>a.</sup> and  
 20 whilst holding that post became a member of the Japan-  
 21 Manchukuo Joint Economic Committee and of the Manchurian  
 22 Land Development (Colonial) Committee on the 7th  
 23 November 1940.

24 KK-2. a. Ex. 113, T. 727; Ex. 2282, T. 16,257

" b. Ex. 113, T. 727

" c. Ex. 113, T. 727

KK-3. a. Ex. 3347, T. 31,657

KK-4. He relinquished his various offices  
 1 in Manchuria on the 10th April 1941 when he was  
 2 appointed Vice-Minister for War, under the accused  
 3 TOJO, in the Second KONOYE Cabinet.<sup>a.</sup> On the 5th  
 4 May 1941 he was appointed Councillor of the Planning  
 5 Board, and Councillor of the Total War Research  
 6 Institute.<sup>b.</sup> As Vice-Minister of War it was part of  
 7 his duty to attend meetings of Imperial General  
 8 Headquarters.<sup>c.</sup> From the 15th November 1941 until he  
 9 relinquished his appointment as Vice-Minister of War  
 10 he was a Government Committee Member attending matters  
 11 under the jurisdiction of the War Ministry for each  
 12 session of the Diet.<sup>d.</sup>

KK-5. On the 11th March 1943 he was relieved  
 15 of his appointment as Vice-Minister of War at his own  
 16 request and received the appointment of War Councillor.  
 17 On the 30th August 1944 he was appointed Commander-in-  
 18 Chief of the Burma Area Army, an appointment which  
 19 he still held at the Japanese surrender.<sup>a.</sup>

20 II. ACTIVITIES PRIOR TO HIS APPOINTMENT AS  
 21 VICE-MINISTER FOR WAR ON 10th APRIL 1941.

22 KK-6. It is submitted that the accused joined

23 KK-4. a. Ex. 113, T. 727  
 24 " b. Ex. 113, T. 727  
 " c. T. 14,293, T. 14,633-4  
 25 " d. Ex. 113, T. 727  
 KK-5. a. Ex. 113, T. 727



1 the conspiracy charged in Counts 1 to 5 of the  
2 Indictment at the latest while he was Chief of Staff  
3 of the Kwantung Army. In the summation of the  
4 individual phase of the accused HOSHINO it has been  
5 clearly shown that almost from the inception of the  
6 so-called independent state of Manchukuo, that state  
7 was really the Kwantung Army acting through the  
8 intermediary of the General Affairs Board in  
9 furtherance of the interests of Japan. There is a  
10 continuance of that policy in the days when KIMURA,  
11 as Chief of Staff, was second only in importance  
12 in that Army to his fellow accused UMEZU. On the 5th  
13 November 1940 we already find him interfering in the  
14 internal civil affairs of Manchukuo when he sends a  
15 telegram to the Vice-Minister of War requesting that  
16 the Manchukuo Ambassador to Japan and the Manchukuo  
17 Minister of Communications be permitted to exchange  
18 positions.<sup>a.</sup> The pretense that Manchukuo is functioning  
19 as an independent state has been abandoned.

20 KK-7. His appointment to the Japan-Manchukuo  
21 Joint Economic Committee has already been referred to.  
22 There is no need for me to discuss in detail that  
23 Committee here as it has already been fully covered  
24 in paragraph GG-9 of the HOSHINO phase of the summation  
25 KK-6. a. Ex. 244, T. 3002



1 to which the Tribunal is respectfully referred. It  
2 is sufficient here to say that its purpose was to  
3 secure economic domination of Manchukuo for the  
4 purpose of increasing Japan's war potential. This  
5 appointment was a rather strange one for a Chief of  
6 Staff and entailed duties quite outside those normally  
7 performed by a Chief of Staff.

8 KK-8. It is therefore apparent that Japan  
9 is, through the Kwantung Army, exercising political  
10 and economic domination of Manchukuo. Let us now see  
11 what the evidence has to say as to the purpose of  
12 that domination. On the 16th December 1940 KIMURA  
13 sends a telegram to his counterparts on the General  
14 Staff and at the War Ministry setting out the Kwantung  
15 Army's agreement, "in view of the spirit of the con-  
16 clusion of the Tri-partite Alliance"; to a proposed  
17 "trade pact between Japan, China, and Manchukuo as  
18 a body and Germany.<sup>a.</sup>" This was done at a time when  
19 Japan had neither the right nor the power to exercise  
20 sovereignty over China, at a time when Japan could  
21 not attain that power without further invasions of  
22 China for the purpose of destroying the existing  
23 Government of China. From some time prior to 1931

24 KK-8. a. Ex. 243, T. 3002  
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1 Japanese plans to attack the Union of Soviet Socialist  
2 Republics were being prepared,<sup>b.</sup> and such plans  
3 were still being perfected in 1940-1941 during  
4 KIMURA's tenure of office as Chief of Staff of the  
5 Kwantung Army. In fact the former Chief of the  
6 General Affairs Department of the Manchurian Government,  
7 TAKEBE, Rokuzo, gave evidence that KIMURA had given  
8 him orders designed to further this preparation for  
9 an attack on Soviet Russia.<sup>c.</sup> Therefore it is clear  
10 that KIMURA knows that the economic domination of  
11 Manchukuo by the Japanese is aimed at aggressive  
12 attacks on China and Russia.

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24 KK-8. b. Ex. 699, T. 7501  
25 " c. Ex. 670, T. 7330

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KK-9. If aggressive war is a crime at International Law, as the Prosecution submits it is, then KIMURA by assisting in political, economic and military preparations which he knows are directed towards aggressive war commits a crime. The evidence of his assistance at, and furtherance of, these preparations is evidence from which the Prosecution submits that the Tribunal could and should draw the inference that KIMURA at this time was a participant in the conspiracies that have been proved before this Tribunal to have existed to achieve the objects set out in Counts 1 to 5.

III. ACTIVITIES DURING HIS TENURE OF OFFICE AS VICE-MINISTER UP TO THE OUTBREAK OF THE PACIFIC WAR.

KK-10. From the time of KIMURA's assuming the duties of office as Vice-Minister he must have been very active in forwarding the material preparations for a war of aggression. The nature of these preparations has been sufficiently shown in paragraphs F-37 to F-53 of this summation.

KK-11. To show KIMURA's necessary connection with these preparations it is enough to examine the duties of his office. To him, we find, are entrusted matters concerning the control and utilization of Manchurian resources; matters concerning general mobilization

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25 churian resources; matters concerning general mobilization



1 in Korea, Formosa, and the colonies; matters concern-  
2 ing peace-time facilities relative to the General  
3 Mobilization Program; and matters concerning the volume  
4 of wartime requirements in connection with the General  
5 Mobilization Program.<sup>a.</sup>

6 KK-12. From very many sources he acquired  
7 knowledge which to a man of his training could only  
8 mean that Japan was preparing to embark on further wars  
9 of aggression. From the 5th May 1941 he was Councillor  
10 to the Planning Board and the Total War Research In-  
11 stitute. The nature, constitution and purpose of the  
12 Planning Board up to the time of KIMURA's appointment  
13 has been adequately discussed in paragraphs GG-26 to  
14 GG-39, and in relation to the period following his  
15 appointment will be discussed in paragraphs VV-40 to  
16 VV-65. Similar details in regard to the Total War  
17 Research Institute have been discussed in paragraphs  
18 F-41 to F-47 and GG-40 to GG-50. The facts and argu-  
19 ments stated therein with regard to these two bodies  
20 are adopted here without repetition. From them two  
21 almost irresistible inferences germane to our present  
22 purpose emerge. The first is that by virtue of  
23 KIMURA's duties of office in regard to mobilization of  
24 personnel and material resources he must have been  
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(KK-11. a. Ex. 3365, T. 31,769; Ex. 3348, T. 31,658.)

1 frequently consulted on behalf of these bodies, and  
2 secondly that a knowledge of the work of these bodies  
3 must result in any reasonable army officer (with  
4 KIMURA's background and training) drawing the inference  
5 that Japan was planning for a war, not of self-defense,  
6 but of aggression.

7 KK-13. On the 10th May 1941 he receives a  
8 communication from the French Indo-China Expeditionary  
9 Force suggesting that an incident in which a Japanese  
10 soldier was injured by a French Indo-China soldier be  
11 used for exerting pressure on the French authorities to  
12 compel them to agree to Japan's stationing <sup>a.</sup> as many  
13 troops as they wish in French Indo-China. In this  
14 communication it is stated quite frankly that the addi-  
15 tional troops are required for use against China. The  
16 repercussions from this incident are shown in a decision  
17 of an Imperial Headquarters Government Liaison Confer-  
18 ence held on 25 June 1941. Japan has decided to demand  
19 the right of stationing such troops and of establishing  
20 and using such air bases as she wishes in French Indo-  
21 China, and in the event of the demand being refused to  
22 resort to war. <sup>b.</sup> There is no evidence that KIMURA  
23 attended this Conference but there can be no doubt that  
24 he learned of the decision. On the 30th June 1941 he was  
25 (KK-13, a. Ex. 634, T. 7000; b. Ex. 1306, T. 11,753;

1 present at a Conference of the Army Members of the  
 2 Supreme War Council at which TOJO explained in detail  
 3 the international situation.<sup>c.</sup>

4 KK-14. KIMURA was, in accordance with the  
 5 normal and necessary practice, informed after the  
 6 Imperial Conference of 6th September 1941 that the Chief  
 7 of the General Staff had instructed the then Major-  
 8 General TANAKA, Shinichi to begin preparations for  
 9 operations against Malaya, Java, Borneo, Bismarck,  
 10 Dutch East Indies and Philippines in accordance with an  
 11 operational study which he had previously made.<sup>a.</sup>

12 KK-15. As has been shown in paragraph F-51  
 13 of this summation, orders were given on 7th November  
 14 1941 for the distribution of warlike stores to troops  
 15 who, for some time beforehand, had been deployed for  
 16 attacks on Malaya, Hong Kong, Guam and the Philippines.  
 17 KIMURA could not have been unaware of these prepara-  
 18 tions because the provision of personnel, materials and  
 19 funds was in the hands of the War Ministry.<sup>a.</sup>

20 KK-16. KIMURA also knew that currency for use  
 21 in countries which Japan planned to conquer was being  
 22 manufactured from early in 1941. His own seal appears  
 23 on some of the correspondence on this subject between  
 24 the Finance Ministry and the War Ministry.<sup>a.</sup>

25 (KK-13. c. Ex. 2246, T. 16,178.

KK-14. a. T. 16,145; KK-15. a. T. 16,154; 17-16.

KK-16. a. Ex. 852, T. 8447.)



1 What possible point was there in printing this currency  
 2 unless it was proposed to invade Malays, Borneo, Thai-  
 3 land, the Dutch East Indies and the Philippines?

4 KK-17. In November 1941 he was officially  
 5 advised of the movement of the Third Air Group and  
 6 Southern Army Headquarters to Saigon.<sup>a.</sup> Finally he  
 7 countersigned the orders issued immediately after the  
 8 Imperial Conference on the 1st December 1941 alerting  
 9 all Commanding Generals of troops in the Southern Seas  
 10 areas that war with the United States, England and  
 11 Holland would commence on the 8th December 1941.<sup>b.</sup>

12 KK-18. Thus far it has been shown that, at  
 13 least from the time of his appointment as Vice-Minister  
 14 for War, KIMURA knew that Japan was preparing to embark  
 15 on further aggressive wars and that he assisted in the  
 16 preparations.  
 17

18 KK-18A. The Defense has given some indication  
 19 as to its answer on behalf of KIMURA to any allegation  
 20 of guilt based on his activities as Vice-Minister for  
 21 War. It is that KIMURA merely carried out the policy  
 22 of TOJO and that as a professional soldier he could not  
 23 relinquish his appointment.<sup>a.</sup> Whilst it may be that an  
 24 officer cannot resign from the armed forces in wartime,  
 25

(KK-17. a. Ex. 873, T. 8978; Ex. 875, T. 8984;

b. T. 16,146-7.

KK-18A. a. T. 31,754.)



1 it is quite clear that KIMURA could have requested to  
2 be relieved of his appointment as Vice-Minister because  
3 that is exactly what he did some two years later on the  
4 11th March 1943. He was relieved of his post as Vice-  
5 Minister at his own request.<sup>b.</sup> Had KIMURA not been in  
6 favor of carrying out the TOJO war policy<sup>c.</sup> his appoint-  
7 ment as Vice-Minister for War would not have been con-  
8 tinued after the fall of the third KONOYE Cabinet.  
9 Instead he chose to remain and render whatever assist-  
10 ance he could in carrying out TOJO's criminal policy.

11 KK-19. The only other matter to which I in-  
12 tend to refer during this period is a signal received  
13 by KIMURA in October 1941 from the Japanese forces on  
14 Hainan Island. It reports the massacre of French  
15 missionaries and natives by Japanese naval forces dur-  
16 ing a "punitive" expedition. Its only importance here  
17 is that it constitutes a warning to KIMURA of the danger  
18 of Japanese troops committing atrocities and should  
19 have put him on his guard a few months later when deal-  
20 ing with protests from the Allied governments.<sup>a.</sup>

21  
22 IV. ACTIVITIES AS VICE-MINISTER FOR WAR  
23 BETWEEN THE OUTBREAK OF THE PACIFIC WAR AND 11th MARCH  
24 1943.

25 KK-20. In December, 1941, and January, 1942,  
(KK-18A. b. Ex. 113, T. 727; c. Ex. 1148, T. 10,250.  
KK-19. a. Ex. 3366, T. 31,784.)

the Governments of the United States of America and Great Britain through their respective Protecting Powers informed the Japanese Foreign Office that they proposed to observe the provisions of the Geneva Prisoner of War Convention 1929 and requested that Japan give assurances that she would likewise observe that

Convention. <sup>a.</sup> These communications were referred to the War Ministry and after several conferences had been held there, KIMURA, on the 23rd January 1942, advised the Foreign Office that it would be safe to notify the world that Japan has no objection to acting in accordance with the Convention in the treatment of prisoners

of war. <sup>b.</sup> The Japanese Government actually advised the Protecting Powers that although she was not bound by the Prisoner of War Convention 1929 she would apply <sup>c.</sup> mutatis mutandis the provisions of that Convention.

KIMURA therefore knew of the Japanese obligations in respect of the treatment of prisoners of war.

KK-21. From the 8th July 1942 onwards the Protecting Powers on behalf of the Allied governments lodged protests with the Japanese Foreign Office as to the treatment of prisoners of war and internees. The manner in which these protests were brought to the knowledge of the Vice-Minister for War has already been

(KK-20. a. Ex. 1468, T. 12,787; Ex. 1494, T. 12,879;  
b. Ex. 1958, T. 14,299; c. Ex. 1490, T. 12,878;  
Ex. 1496, T. 12,882.)

made clear in paragraphs J-69 to J-72. It is requested  
1 that those paragraphs be considered as part of this  
2 phase of the summation. In addition the attention of  
3 the Tribunal is invited to the evidence of Defense wit-  
4 ness KUDO, Tadao, of the Foreign Office, who states  
5 that unimportant protests were referred to the Prisoner  
6 of War Information Bureau but important ones were re-  
7 ferred to the Vice-Minister of War.<sup>a.</sup>

8  
9 KK-22. In view of the fact that KIMURA was  
10 later to become Commander-in-Chief of the Burma Area  
11 Army it is rather a coincidence that all of the pro-  
12 tests received on behalf of the British Commonwealth  
13 during his term of office as Vice-Minister were protests  
14 against the treatment meted out to prisoners of war in  
15 Burma. In addition on behalf of the United States of  
16 America a protest was received as to the treatment of  
17 prisoners of war and internees in the Philippines and  
18 China. All of these protests have already been de-  
19 tailed in paragraphs J-74 to J-76 and J-105 to J-110.  
20 To only one of these protests is any reply made and  
21 that reply is a false denial of the facts alleged.<sup>a.</sup>  
22 It was the duty of KIMURA in common with other officials  
23 at the War Ministry to ensure that these protests were  
24 adequately investigated, and if they were founded on  
25

(KK-21. a. T. 27,159, T. 27,872.

KK-22. a. Ex. 2022 (5), T. 14,758.)



1 fact, to remedy the state of affairs which gave rise  
2 to them.

3 KK-23. The conduct of all affairs relative  
4 to the treatment of prisoners of war was placed under  
5 the Prisoner of War Administrative Division, which was  
6 a Division of the War Ministry.<sup>a.</sup> Prisoners of war  
7 camps themselves were to be administered by the com-  
8 mander of an army or of a garrison under the general  
9 supervision of the Minister of War.<sup>b.</sup> By Imperial  
10 Ordinance it was provided that the Vice-Minister shall  
11 assist the Minister, coordinate the affairs of the  
12 Ministry, and supervise the affairs of the Bureaus and  
13 Divisions.<sup>c.</sup> The Vice-Minister then had a very real  
14 responsibility in regard to the treatment of prisoners  
15 of war. It cannot be said that he was misled by re-  
16 ports received from the theaters of war. Consider the  
17 protest against British prisoners being compelled to  
18 clean the streets of Rangoon. He knew that this was  
19 true because it was accompanied by a photograph from  
20 the "Japan Times and Advertiser."<sup>d.</sup> If anything had  
21 been done to remedy this state of affairs one would have  
22 expected the Defense to have placed evidence of it be-  
23 fore the Tribunal. As this was not done, and as the  
24 Defense are in the best position to know what really  
25

(KK-23. a. Ex. 1965 (page 2), T. 14,439; b. Ex. 1965  
(page 3), T. 14,439; c. Ex. 73, T. 684;  
d. Ex. 2022(1), T. 14,754.)



1 happened, it is submitted that the Tribunal should draw  
2 the inference that the Japanese War Ministry did nothing  
3 to remove the cause of complaint. Similar reasoning  
4 applies to the other protests. Had the War Ministry  
5 received misleading information from Japanese field  
6 commanders as to the manner in which prisoners were  
7 treated the Defense would certainly have placed evidence  
8 of such information before the Tribunal.

9 KK-24. It is submitted that KIMURA had a duty  
10 to cause the conditions complained of in Allied pro-  
11 tests to be remedied and that his failure to do so  
12 proves that he deliberately and recklessly disregarded  
13 his duty to take adequate steps to secure the observance  
14 and to prevent breaches of the Conventions and the  
15 Laws and Customs of War at least in regard to prison-  
16 ers in these areas covered by the protests.

17 KK-25. In March, 1942, he arranged to send  
18 British and American prisoners of war to Korea for the  
19 purpose of stamping out the respect and admiration of  
20 the Korean people for Britain and America. To avoid  
21 repetition reference is made to paragraphs J-123 to  
22 J-124 where the history of the transaction is revealed.  
23 KIMURA's attitude towards prisoners of war is shown  
24 particularly in his complaint that the accommodation  
25 which it was proposed to provide for the prisoners is

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too good.

1           KK-26. KIMURA was present at the conference  
2 held about the end of April, 1942; when the treatment  
3 of prisoners of war was discussed. In spite of the  
4 protest of the Chief of the Prisoner of War Information  
5 Bureau that it was contrary to the 1929 POW Convention  
6 TOJO decided that all prisoners including officers  
7 should be made to work.<sup>a.</sup> That this policy was adopted  
8 is corroborated by addresses delivered by or on behalf  
9 of the accused TOJO from May to July, 1942.<sup>b.</sup>

10           KK-27. KIMURA also knew of the use of prison-  
11 ers of war in work having a direct connection with the  
12 operations of war. Not only did he know of it, but he  
13 himself authorized it.<sup>a.</sup> For a fuller discussion the  
14 Tribunal is respectfully referred to paragraph J-122  
15 hereof.

16           KK-28. KIMURA was also aware that the oath  
17 not to escape, which was contrary to Article II of the  
18 Hague Convention 1907, was being compulsorily admin-  
19 istered to prisoners of war.<sup>a.</sup> He was so advised by the  
20 Chief of Staff of the Korean Army in October, 1942, and  
21 took no steps to prevent it.

22 (KK-25. a. Ex. 1973, T. 14, 512.

23 KK-26. a. T. 14,289-90; b. Ex. 1960-4, T. 14,423-31.

24 KK-27. a. Ex. 2010, T. 14,716; Ex. 1970A, T. 14,479;  
25 Ex. 1969, T. 14,491.

KK-28. a. Ex. 1975, T. 14,520.)

1 KK-29. During KIMURA's tenure of office there  
 2 was no Parliamentary Vice-Minister and KIMURA appears  
 3 to have carried out the duties of that office in his  
 4 capacity as a Government Committee Member attending  
 5 matters under the jurisdiction of the War Ministry  
 6 for the Diet.<sup>a.</sup> On the 17th February 1943 KIMURA  
 7 attended the Diet in that capacity to explain proposed  
 8 amendments to the Prisoner of War Punishment Law 1905.<sup>b.</sup>  
 9 Although the latter law itself was contrary to the  
 10 Hague Convention 1907 and the Geneva POW Convention  
 11 1929, it had been made prior to those Conventions.  
 12 One would have expected any amendment to be in the  
 13 direction of bringing it into conformity with the pro-  
 14 visions of those Conventions.<sup>c.</sup> This was not so,  
 15 however, as the effect of the amendments were to make  
 16 the penalties more severe. Reference had already been  
 17 made in paragraphs J-124, J-126 and J-129 to this law  
 18 in connection with the compulsory administration of  
 19 oaths not to escape. Article 7 of the amended law<sup>d.</sup>  
 20 has its counterpart in Article 3 of the 1905 law.<sup>e.</sup>  
 21 providing penalties ranging from death to hard labor  
 22 in the case of mass escapes. Both of these laws clearly  
 23

24 KK-29. a. T. 31,762-4

b. Ex. 1966, T. 14,477

c. Ex. 3133, T. 27,909

d. Ex. 1965 (p. 30), T. 14,439

e. Ex. 3133, T. 27,909



1 violate both the Hague and the Geneva Conventions,  
2 although, as has been said before, the 1905 law was  
3 not in violation of International Law at the time of  
4 its creation. KIMURA in his address to the Diet makes  
5 no reference to the fact that both the 1905 law and  
6 the proposed amending law were in contravention of the  
7 Conventions. It is submitted that, irrespective  
8 whether this omission was due to a policy of his own  
9 or to a policy laid down by the War Ministry, KIMURA's  
10 fraudulent failure to bring the true state of the law  
11 to the notice of the Diet constitutes evidence of an  
12 attempt on his part to cause Japan to contravene its  
13 legal duty of observing the provisions of the Conven-  
14 tions.

15 KK-30. Reference has been made in paragraphs  
16 J-27 to J-36 and paragraphs J-80 to J-92 to the con-  
17 struction of the Burma-Thailand Railway. KIMURA's  
18 responsibility lies firstly in that he took part in  
19 the decision to use prisoner of war labor for the con-  
20 struction of this railway, which for the reasons given  
21 in the aforementioned paragraphs, the Prosecution sub-  
22 mits, was to be used for the purpose of carrying on  
23 military operations.<sup>a.</sup> In the absence of evidence to  
24 the contrary one must assume that the reports of the  
25 death rate among prisoners employed on the railway

KK-30. a. T. 14,634



1 from October, 1942, onwards were conveyed by Southern  
2 Army headquarters to the War Ministry at Tokyo.

3 Reports were certainly being sent to the POW Informa-  
4 tion Bureau monthly at a later date, as there is evi-  
5 dence of a monthly report submitted in September, 1943.<sup>b.</sup>

6 There is no reason to believe that the submission of  
7 such reports was not in accordance with a regular prac-  
8 tice which had been adopted at least since September,  
9 1942. We do know from the evidence of the late Colonel

10 Wilde that an office was kept by the Japanese at  
11 Changi for submitting such returns.<sup>c.</sup> If such informa-  
12 tion was given, then KIMURA, as a member of Imperial  
13 General Headquarters, must, along with the War Minister  
14 and the Chief of the General Staff, take the responsi-  
15 bility of ordering in February, 1943, the speeding up  
16 of the work by three months and thus greatly increas-  
17 ing the already growing death rate.<sup>d.</sup>

18 KK-31. Reference has already been made to  
19 the trial of the Doolittle Fliers in paragraphs J-152  
20 and DD-81 to DD-84. KIMURA took part in the confer-  
21 ences as to what was to be done with these fliers.

22 The evidence is that he sided with TOJO in urging that

23 KK-30. b. Ex. 1988, T. 14,609

24 c. T. 5387

25 d. Ex. 475 (p. 8), T. 5513

1 they be dealt with leniently, but in spite of this  
2 the decision was carried over their heads that they  
3 should be tried under ex post facto legislation making  
4 them triable by a military court set up for the pur-  
5 pose and making them subject to the death penalty.<sup>a.</sup>

6 "Whilst the fact that KIMURA opposed this course of ac-  
7 tion may be of importance as regards penalty, it is  
8 submitted that it does not exonerate him from guilt.

9 As Vice-Minister he was a member of a conference which  
10 was called on to decide whether some action illegal  
11 under International Law should be taken against these  
12 prisoners of war. It was decided against his opposi-  
13 tion to pursue this illegal course of action. His  
14 clear duty is to relinquish his appointment as Vice-  
15 Minister for War, but instead of doing this, he immed-  
16 ately takes steps to give effect to this illegal  
17 decision.<sup>b.</sup>

18 KK-32. To offset the whole of the evidence  
19 against KIMURA the Defense have called evidence drawing  
20 a picture of KIMURA as a figurehead, passively carrying  
21 out the policy of the War Minister, having no important  
22 duties of his own and having no control over any of

23 KK-31. a. T. 14,387, T. 29,041-5  
24 b. Ex. 1992-3, T. 14,666-70  
25

the Bureau Chiefs in the War Ministry.<sup>e.</sup> True it is  
 1 that in the absence of the Minister for War the Vice-  
 2 Minister did not take his place in the Cabinet. But  
 3 it is very clear from the evidence of TANAKA, Ryukichi,  
 4 who has invariably shown a friendly disposition towards  
 5 KIMURA, that in the absence of the accused TOJO, the  
 6 accused KIMURA has carried out the duties of the War  
 7 Minister other than those relating to Cabinet matters  
 8 such as policy making, politics, economics and diplo-  
 9 macy.<sup>b.</sup> Part of the duties of the Vice-Minister of War  
 10 are set out in the War Ministry General Affairs Regula-  
 11 tions.<sup>c.</sup> and these include some very important duties  
 12 which have already been described in paragraph 4 hereof.  
 13 In addition these regulations show that before any  
 14 important matters are formulated by the Bureau Chiefs,  
 15 they must receive the approval of the Minister and  
 16 Vice-Minister for War, and similarly none of the Bureau  
 17 can carry any decision into effect without the approval  
 18 of the Minister and Vice-Minister.<sup>d.</sup> It seems incon-  
 19 ceivable that a man of KIMURA's background and carry-  
 20 ing the rank of Lieutenant General, a rank senior to  
 21 all others in the War Ministry except the War Minister,  
 22

23 KK-32. a. Ex. 3351, T. 31,670; Ex. 3357, T. 31,715;  
 24 Ex. 3364, T. 31,751; Ex. 3368, T. 31,802  
 b. T. 14,386-8  
 25 c. Ex. 3348, T. 31,658; Ex. 3365, T. 31,769  
 d. Ex. 3348 (Arts. 30, 40), T. 31,658



1 should be given a position in which he could be nothing  
2 but a figurehead. On the other hand, he may have in-  
3 variably agreed with the Minister's policy and to that  
4 extent have seemed a figurehead, but in that case he  
5 must take the responsibility for the decisions insofar  
6 as they involve the commission of offenses against  
7 International Law. Finally, let us consider a con-  
8 temporaneous opinion of him given at a time when the  
9 expounder had no motive for lying. I refer to German  
10 Ambassador Ott, who, in May, 1942, in a despatch to  
11 his own government recommended him for the Grand Cross,  
12 pointing out that as Chief of Staff of the Kwantung  
13 Army he had especially worked on behalf of Germany,  
14 that as Vice-Minister of War he was one of the prin-  
15 cipal advocates of German-Japanese military coopera-  
16 tion, and that his personal relationship to TOJO as  
17 well as his (TOJO's) primary preoccupation in his po-  
18 sition of Prime Minister have enhanced his (KIMURA's)  
19 influence on the leadership of the War Ministry as  
20 well as his position in regard to the other Vice-Min-  
21 isters to a marked degree.<sup>e.</sup>

22 KK-33. It is submitted that during this  
23 period of his career KIMURA has been shown to have  
24 been guilty of ordering, authorizing and permitting  
25 KK-32. e. Ex. 1272, T. 11,349



1 breaches of the laws and customs of war and of delib-  
 2 erately and recklessly disregarding his legal duty to  
 3 take adequate steps to secure the observance and  
 4 to prevent breaches of such Laws and Customs of  
 5 War.

6 V. ACTIVITIES BETWEEN THE 11th MARCH 1943  
 7 AND THE JAPANESE SURRENDER.

8 KK-34. On the 11th March 1943, the day that  
 9 he was relieved of his post as Vice-Minister for War,  
 10 KIMURA was appointed War Councillor.  
 a.

11 KK-35. On the 30th August 1944 he was appoint-  
 12 ed as Commander-in-Chief of the Japanese Armed Forces in  
 13 the Burma area<sup>a.</sup> and took over command of the Burma Area  
 14 Army in the middle of September, 1944.  
 b.

15 KK-36. In addition to the general respon-  
 16 sibility in respect of war crimes which attaches to  
 17 all of those taking part in the conspiracy referred to  
 18 in Count 1 of the Indictment, a more specific respon-  
 19 sibility is laid on the shoulders of KIMURA for the  
 20 war crimes committed in Burma, his area of command,  
 21 during this period.  
 22

23 KK-37. On the 27th January 1945 at Hsipaw,

24 KK-34. a. Ex. 113, T. 727

25 KK-35. a. Ex. 113, T. 727

b. T. 31,729

about 40 miles northeast of Mandalay, 621 Indian  
 1 prisoners of war were confined in a room 25 feet square.  
 2 Each received as food one small rice ball per day.  
 3 By the 9th March 1945, 200 had already died from sick-  
 4 ness and starvation. On that date six were removed to  
 5 Monghai and subsequently an attempt was made to behead  
 6 them, but one survived. Of the prisoners left behind  
 7 at Hsipaw nothing is known as to their fate.<sup>a.</sup> The  
 8 Japanese retained control of Mandalay until the 21st  
 9 March 1945 so there was no reason why these prisoners  
 10 should not have been evacuated almost immediately after  
 11 their capture in January.<sup>b.</sup> On the 7th February 1945  
 12 four Royal Airforce personnel were executed without  
 13 trial in Noksokwin Reserve Forest.<sup>c.</sup> at the end of  
 14 April, 1945, four Burmese were executed without trial  
 15 near Henzada.<sup>d.</sup> early in May seven Burmese and two  
 16 allied airmen were beheaded without trial at Ongun  
 17 Cemetery,<sup>e.</sup> and at Tharrawaddy seven Burmese were shot  
 18 by the Kempei Tai.<sup>f.</sup> Each of these places was within a  
 19 radius of 60 miles from Rangoon where, at that time,  
 20 KIMURA had his headquarters.<sup>g.</sup>

22 KK-38. At the New Law Courts Annex, the

23 KK-37. a. Ex. 1553, T. 12,983  
 24 b. Ex. 3090, T. 27,598  
 25 c. Ex. 1547, T. 12,976  
 d. Ex. 1543, T. 12,973  
 e. Ex. 1544, T. 12,974  
 f. Ex. 1546, T. 12,976  
 g. T. 27,604

1 Kempei Tai gaol at Rangoon, the prisoners were so  
 2 badly beaten after an attempted escape that seven of  
 3 them died, another seven airmen imprisoned at this gaol  
 4 died of ill-treatment.<sup>a.</sup> Reference has already been  
 5 made in paragraphs J-8 to J-10 to the conditions at the  
 6 Rangoon Gaol Prison Camp. This prison was notorious  
 7 for the fact that captured airmen were there held in  
 8 solitary confinement for long periods, that they were  
 9 starved and beaten and not provided with medical sup-  
 10 plies or attention. The prison commander, Captain  
 11 TAZUMI, and the medical officer, Lieutenant ONISHI, re-  
 12 ceived sentences of seven years imprisonment and death  
 13 respectively on their trial before a War Crimes Com-  
 14 mission Court on a charge of being parties to ill-treat-  
 15 ment causing the death of 17 prisoners of war at that  
 16 camp.<sup>b.</sup>

17 KK-39. KIMURA's headquarters were moved from  
 18 Rangoon to Moulmein at the end of April, 1945.<sup>a.</sup> The  
 19 picture changes; from that time onwards we find that  
 20 the atrocities are committed at or in the vicinity of  
 21 Moulmein. On the 20th June 1945 a Burmese is tortured  
 22 to death by the Kempei Tai at Kyaikto for failure to  
 23

24 KK-38. a. Ex. 1541, T. 12,970

b. Ex. 1541, T. 12,970

25 KK-39. a. T. 5069



give information about allied paratroops; <sup>b.</sup> four days  
 later at Ebaing the whole populace of the village was  
 arrested and machine-gunned because they were alleged  
 to have assisted the allies. In all, 97 were murdered  
 on this occasion. <sup>c.</sup> On the 7th July 1945 at Kalagon 630  
 Burmese, the entire population of the village, were  
 massacred and thrown into wells. <sup>d.</sup> Kalagon was 10 miles  
 from Moulmein where KIMURA had his headquarters. The  
 massacre was carried out on the immediate orders of  
 Battalion Commander Major ICHIKAWA, who stated that he  
 had received orders to clean up Kalagon and that it  
 would be all right if he wiped out the whole village  
 and killed all the villagers. The reason for the puni-  
 tive action was that Kalagon was alleged to have been  
 assisting paratroops. <sup>e.</sup> The Kempei Tai was also very  
 active. At Shanzu village which is quite close to Moul-  
 mein, the Kempei Tai arrested and killed seven Burmese.  
 At Kankareik 20 suspects were tortured to death, and  
 at Tankara nine Burmese were executed. <sup>f.</sup> All of these  
 murders took place in July.

<sup>21</sup> KK-40. In Moulmein itself on the 24th July  
<sup>22</sup> 1945, 27 Burmese who were suspected of political offenses

<sup>23</sup> KK-39. b. Ex. 1537, T. 12,965  
<sup>24</sup> c. Ex. 1538-9, T. 12,966-8  
<sup>25</sup> d. Ex. 1539-41, T. 12,968-70  
 e. Ex. 1540 (p. 1 & 5), T. 12,969  
 f. Ex. 1541, T. 12,970



1 were taken from the Moulmein Gaol and shot by the Kempei  
2 Tai.<sup>a.</sup> Four marines who had been held there since

3 April, 1945, disappeared without any trace and must be

4 presumed to be dead,<sup>b.</sup> whilst six Burmese died after

5 their release by the Allies as a result of tortures

6 inflicted by the Kempei Tai.<sup>c.</sup>

7 KK-41. Until December, 1944, the internment  
8 camp at Tavoy was under the command of the Independent  
9 24th Mixed Brigade, a unit under KIMURA's command.<sup>a.</sup> In

10 that camp the internees men and women were starved and  
11 beaten, in desperation they ate dogs, rats and snakes,  
12 to keep themselves alive as 90 per cent of them suffered  
13 from beri beri, pellagra and other forms of malnutri-

14 tion.<sup>b.</sup>

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25 KK-40. a. Ex. 1539, T. 12,968

b. Ex. 1541, T. 12,970

c. Ex. 1541, T. 12,970

KK-41. a. T. 27,584-5, 31,737-8

b. Ex. 1555-8, T. 12,991-4

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KK-42. What answer is made to these  
 1 allegations by KIMURA's witnesses? They do not deny  
 2 that these war crimes were in fact committed. They  
 3 do deny that these crimes came to their knowledge,  
 4 and say that they therefore made no report of them  
 5 to Burma Area Army Headquarters.<sup>a</sup> As to the murder  
 6 of the 27 Burmese taken from the Moulmein Gaol and  
 7 the Kalagon Incident there is evidence that, when  
 8 told of them after the war, KIMURA denied all know-  
 9 ledge of the occurrences.<sup>b</sup> They say that KIMURA  
 10 stressed and advised that the Japanese strive to win  
 11 the confidence of the Burmese people to enforce  
 12 strict discipline and to raise morale.<sup>c</sup> It was  
 13 also said that KIMURA was so earnest to win the  
 14 friendship of Burma that he published a pamphlet  
 15 setting out the attitude to take towards the Burmese.<sup>d</sup>  
 16 After the attack on Japanese forces by the Burmese  
 17 National Army at the end of March 1945, KIMURA is  
 18 said to have ordered that the Japanese should not  
 19 take revengeful action and that they should carry out  
 20 only the minimum punitive action necessary for  
 21

22  
 23 KK-42.

- 24 a. T. 27542, T. 27583, T. 31725, T. 31730.  
 25 b. T. 31724, T. 31735.  
 c. T. 27558, T. 27601-3, T. 27610, T. 31722,  
 T. 31731, T. 31744.  
 d. T. 27576, T. 27600, T. 27603, T. 31744.

1 operations.<sup>e</sup> There is some suggestion that owing  
2 to the hasty retreat from Rangoon to Moulmein in  
3 May 1945, and air raids at the latter place the  
4 Headquarters could not function properly.<sup>f</sup> It is  
5 not clear whether this is advanced as a suggestion  
6 that atrocities may have been committed by uncontrolled  
7 stragglers, but it is hard to read anything else into  
8 it.

9 KK-43. As to Rangoon Gaol Prisoner of War  
10 Camp the defense contended that conditions there  
11 were good. This argument has already been dealt  
12 with in paragraphs J-8 to J-10 and in order to avoid  
13 repetition the Tribunal is respectfully referred to  
14 those paragraphs for both the defense's contention  
15 and its refutation. In addition the defense contended  
16 that this camp was not under the control of the Burma  
17 Area Army but was under the command of the Chief of  
18 Prisoner of War Camps, Malay, who in turn was  
19 directly under the command of Southern Army.<sup>a</sup> The  
20 defense also claims that the treatment of internees  
21 at the Tavoy Internment Camp was good.<sup>b</sup>

22  
23 KK-42.

24 e. T. 27561, T. 27580.  
f. T. 27578, T. 27606.

25 KK-43.

a. T. 27538, T. 27584.  
b. T. 27542, T. 27588.



1                   KK-44. Before discussing in detail the  
2 defenses raised, I invite the Tribunal to consider  
3 the special knowledge that KIMURA has already been  
4 shown to have as regards the fact that in the past  
5 war crimes were frequently committed by the Japanese  
6 and particularly his knowledge of war crimes having  
7 been alleged to have been committed in the Burma area.  
8 As we have already seen, in October 1941, at the  
9 latest he received information that must have put  
10 him on his guard against the natural Japanese pro-  
11 pensity to commit atrocities.<sup>a</sup> Whilst he was Vice-  
12 Minister for War three protests had been sent to the  
13 War Ministry in respect of atrocities committed in  
14 Rangoon alone,<sup>b</sup> and of these, two related to the  
15 Rangoon Gaol itself. In the same period there was one  
16 long American protest relating to treatment of prison-  
17 ers of war in China and the Philippines.<sup>c</sup> Moreover  
18 since assuming command of the Burma Area Army he must  
19 have been informed of a protest lodged on the 4th  
20 July 1944 as to treatment of the prisoners in the  
21 Moulmein area. It wasn't answered until the 15th May  
22 1945, and as KIMURA took over command on the 12th  
23

24 KK-44.

25       a. Ex. 3366, T. 31785.

      b. Ex. 2022(1), T. 14754; Ex. 2022(3), T. 14754-6;  
      Ex. 2022(6), T. 14760.

      c. Ex. 2024(1), T. 14795.



1 September 1944, it is reasonable to assume that it  
2 was investigated, if at all, during the period of  
3 his commandership.<sup>d.</sup>

4 KK-45. It is submitted, that, particularly  
5 in the light of this special knowledge, KIMURA as  
6 Commander in Chief of the Burma Area Army could not  
7 discharge his duty to protect prisoners of war and  
8 the inhabitants of occupied countries, by merely  
9 telling his officers to preserve discipline and by  
10 publishing pamphlets telling his troops how to treat  
11 the Burmese. We have not had the pleasure of reading  
12 this pamphlet, but the policy of the Japanese does  
13 not seem to have had any appeal to the members of  
14 the Burmese National Army. Can any sane man believe  
15 that KIMURA instructed the Japanese not to take  
16 revengeful action against the Burmese, when he knows  
17 that within 10 miles of KIMURA's headquarters the  
18 whole population of Kalagan, 630 men, women and  
19 children, were murdered? Obviously no battalion  
20 commander would have committed this massacre if he  
21 knew that it was in direct violation of his General's  
22 orders. The atrocities were nowhere committed by  
23 uncontrolled stragglers; they were committed by

24 KK-44.

25 <sup>d.</sup> Ex. 2022(10), T. 14764; Ex. 2022(20)  
T. 14785-7.

regular units or members of the Kempei Tai.

1           KK-46. The contention that the Rangoon  
2 Gaol Prison Camp did not come under the control of  
3 the Burma Area Army is given the lie by Captain  
4 TAZUMI, the Commandant of the Camp, who is now  
5 serving seven years' imprisonment for his ill-  
6 treatment of prisoners of war. He says that from  
7 the time he took charge of the Rangoon Camp on the  
8 15th March 1944 he was placed under the command of  
9 the Commander of the Burma Area Japanese Army, and  
10 that the latter put him under the command of the  
11 73d Line of Communications Sector.<sup>a</sup> The 73d Line  
12 of Communications Section was a unit under the  
13 control of KIMURA.<sup>b</sup> TAZUMI in his statement says  
14 that he never received any orders from Southern Army  
15 headquarters but that he was being "ordered and  
16 directed by the Commander of the Burma Area Japanese  
17 Army in connection with the execution of business."<sup>c</sup>  
18 None of the witnesses called by the defense ever  
19 visited the prison camp until after the cessation of  
20 hostilities and there is no evidence of the camp ever  
21 having been visited by anyone on KIMURA's behalf.<sup>d</sup>  
22 The Burma Area Army was responsible for supplying  
23

24 KK-46.

25       a. Ex. 3087, T. 27565.   c. T. 27565-7.

      b. T. 27545.

      d. T. 27545, T. 27592.

1 food and medicine to the prison camp. This was done  
2 through the Line of Communications Section.<sup>e</sup> Although  
3 reports of deaths of prisoners were made to the  
4 Burma Area Army Headquarters, no inquiries into  
5 these deaths were made either by or at the instance  
6 of that Headquarters<sup>f</sup> or any other body.

7 KK-47. The prosecution submits that KIMURA  
8 has wholly failed to carry out his duty of protecting  
9 prisoners of war and the inhabitants of occupied  
10 Burma from being murdered or ill-treated by his  
11 troops, and that in view of the special knowledge  
12 that he has been shown to have had, and in view of  
13 the fact that many of the crimes alleged were committed  
14 either at or in the vicinity of Rangoon and Moulmein  
15 where he had his headquarters at the relevant time  
16 this failure constitutes a deliberate and reckless  
17 disregard of his legal duty to take adequate steps  
18 to secure the observance and to prevent breaches of  
19 the Laws and Customs of War. In support of this  
20 submission the prosecution relies on the facts and  
21 argument set out in Part J of this summation in  
22 addition to the matters referred to in paragraphs  
23 KK-34 to KK-46 hereof.

24 KK-46.

e. T. 27548-9.

f. T. 27554, T. 27594.



## VI. CONCLUSION.

1           KK-48. The prosecution submits that KIMURA  
2 should be convicted on all Counts on which he has  
3 been charged, other than Counts 2, 44 and 53. Without  
4 limiting itself in any way the prosecution, in  
5 support of its submission, refers particularly to  
6 certain paragraphs of this phase of the summation  
7 and contends that such paragraphs read in conjunction  
8 with the general phase of the summation establish his  
9 guilt on the Counts previously referred to in this  
10 paragraph.  
11

12           KK-49. Paragraphs KK-3 to KK-9 so read  
13 show him to have become a party to the conspiracies  
14 charged in Counts 1, 3, 4, and 5. Paragraphs KK-10  
15 to KK-19 and KK-32 set out evidence of material  
16 assistance provided by him in seeking to achieve  
17 the objects of those conspiracies. His guilt on the  
18 first of these Counts, or on the remaining three of  
19 these Counts, would automatically establish his guilt  
20 on Counts 6 to 17, 20 to 22, 24, 27 to 32, 34 and 37  
21 to 43, provided that the facts alleged in such Counts  
22 have been proved to have taken place. In the general  
23 phase of the summation the proof of such facts has  
24 been outlined.  
25

1 KK-50. Paragraphs KK-20 to KK-47 establish  
2 his guilt on Counts 54 and 55 of the Indictment.

3 If the Tribunal please, Colonel Fixel  
4 will carry on with the presentation of the case  
5 against KOISO.

6 THE PRESIDENT: Colonel Fixel.  
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MR. FIXEL: KOISO

1. Charges against KOISO.

LL-1. Counts 1-5 charge KOISO with conspiracies to wage wars of aggression and in violation of International Law.

Counts 6-17 charge KOISO with planning and preparing wars of aggression against the nations hereinafter named, between January 1, 1928 and September 2, 1945; namely, in count 6, the Republic of China; count 7, the United States of America; count 8, the United Kingdom of Great Britain and northern Ireland and all parts of the British Commonwealth of Nations; count 9, the Commonwealth of Australia; count 10, New Zealand; count 11, Canada; count 12, India; count 13, the Commonwealth of the Philippines; count 14, the Kingdom of the Netherlands; count 15, the Republic of France; count 16, the Kingdom of Thailand; and count 17, the USSR.

Count 18 charges KOISO with initiating a war of aggression against China.

Count 26 charges KOISO with initiating a war of aggression against the Mongolian People's Republic.

Count 27-32 charge KOISO with waging wars of aggression against China, the United States of America, the Commonwealth of the Philippines, the British



1 Commonwealth of Nations, and the Kingdom of the  
2 Netherlands.

3 Count 34 charges KOISO with waging a war of  
4 aggression against Thailand.

5 Count 36 charges KOISO with waging a war of  
6 aggression against the Mongolian People's Republic  
7 and the USSR.

8 Count 44 charges KOISO with murdering POW  
9 members of armed forces and civilians.

10 Counts 48-50 charge KOISO with specific acts  
11 of murder at various places in China.

12 Count 51 charges KOISO with specific acts  
13 of murder at specific places in Mongolia and the  
14 USSR.

15 Count 53 charges KOISO with conspiring to  
16 commit breaches of the law and customs of war in re-  
17 spect to the treatment of POW and civilian internees.

18 Count 54 charges KOISO with authorizing and  
19 fomenting the offenses mentioned in Count 53.

20 Count 55 charges KOISO with deliberately and  
21 recklessly disregarding legal duty to take adequate  
22 steps to prevent the breach of conventions and secure  
23 observance of the laws and customs of war.

24 2. KOISO's activities prior to the Manchurian  
25 Incident.

## (a) His affiliations.

1 LL-2. From 1929 to the outbreak of the man-  
 2 churian Incident, a movement led by OKAWA having as  
 3 its objective the settlement of the Manchurian prob-  
 4 lem,<sup>a</sup> by the establishment of a people's movement,<sup>b</sup>  
 5 gradually aroused the interest and assistance of the  
 6 Army.<sup>c</sup> KOISO, ITAGAKI, DOHIMARA, General TADA, and  
 7 others prominent in Army circles, made it possible  
 8 for OKAWA to openly deliver lectures at the Army  
 9 General Staff.<sup>d</sup> In addition, OKAWA lectured through-  
 10 out Japan in 135 places with audiences of over 100,000.<sup>e</sup>  
 11 His aim was to arouse the Japanese so that they would  
 12 "brave fire and water for their motherland."<sup>f</sup> He  
 13 urged the unification of public opinion on foreign  
 14 policy and stated that the solution of the Manchurian  
 15 problem was an absolute condition to the very exis-  
 16 tence of Japan.<sup>g</sup> He advocated world supremacy for  
 17 Japan; urged Japan to prepare for war with the United  
 18 States, and attacked the principle of the status quo  
 19 among nations.<sup>h</sup> It was with this advocate of aggres-  
 20 sion that KOISO aligned himself, and, as will be later  
 21 seen, became entangled in the March Incident.

## LL-2.

24 a. T. 15,578  
 25 b. T. 15,573  
 c. T. 15,575  
 d. T. 15,565

e. T. 15,597  
 f. T. 15,597  
 g. T. 15,598  
 h. T. 15,602

1 LL-3. KOISO had become a member of Kokuhon-  
 2 sha Society in 1924 and remained a member until the  
 3 society "disappeared."<sup>a</sup> He attended a meeting of  
 4 this organization in July 1931 at which HIRANUMA<sup>b</sup>  
 5 also was present. He could not remember whether  
 6 ARAKI was or was not present. He knew that HIRANUMA<sup>c</sup>  
 7 was president of the Kokuhonsha.

8 LL-4. The Kokuhonsha Society (Foundation  
 9 of the State Society) had as its purpose the foster-  
 10 ing of the spirit of nationalism, bolstering the  
 11 foundations of the state and the exaltation of the  
 12 national spirit.<sup>a</sup> KOISO asserted that he affiliated  
 13 with this society because the fundamental character  
 14 of the state was not fully clarified and he decided  
 15 that it would be a good thing to secure an under-  
 16 standing of the true character and spirit of Japan  
 17 through the magazine published by the organization.<sup>b</sup>  
 18 KOISO denied being a member of the Sakurakai.<sup>c</sup>

19 LL-5. Thus it is seen that in the critical  
 20 years before the Manchurian Incident, KOISO was more  
 21 than a military man under orders of his superiors. He  
 22 was a supporter of persons and movements having as  
 23 their ultimate objectives, forceful measures for the  
 24

25 LL-3. a. T. 32,273  
 b. T. 32,274  
 c. T. 32,274

LL-4. a. Ex. 164, T. 1,636  
 b. T. 32,276  
 c. T. 32,281



expansion of Japan, by war, if necessary.

(b) His official position and connection.

LL-6. KOISO was commissioned an infantry second lieutenant in June 1901; he was promoted at various intervals, becoming Major General in December 1926. In August 1930, he became Chief of the Military Affairs Bureau of the War Ministry, which position he held until 29 February 1932, when he was named Vice War Minister.<sup>a</sup>

LL-7. The Military Affairs Bureau had five sections: the Military Affairs Section, the Military Service Section, the Conscription Section, the Defensive Preparations Section, and the Horse Administration Section.<sup>a</sup>

LL-8. Matters concerning General Staff Headquarters were under his jurisdiction<sup>a</sup> as well as matters regarding normal army organization, including<sup>b</sup> as peacetime and wartime organizations. General TATEKAWA, Chief of the Second Section of the Army General Staff, whose name is linked to KOISO as a<sup>c</sup> plotter of the March Incident, was strongly of the opinion that unless Manchuria were seized by Japan, it would be impossible for Japan to become one of the

LL-6. a. Ex. 3375, T. 32,205 LL-7. a. Ex. 3385, T. 32484  
 LL-8. a. Ex. 3385, T. 32,484  
 b. Ex. 3385, T. 32,484  
 c. KIDO Diary, Ex. 179F, T. 1,927-8

1 powers of the world as a highly developed national  
2 defense state.<sup>d</sup> It was the same General TATEKAWA  
3 who was sent to Mukden by the General Staff, after  
4 KOISO broached the need for action by the Central  
5 Authorities to stop impulsive movements by the  
6 Kwantung Army, and who failed to carry out his  
7 instructions.

8 (c) His Connection with the March Incident.

9 LL-9. The March Incident was a plot  
10 engineered by OKAWA, but participated in by TATEKAWA,  
11 NINOMIYA, and KOISO, Lt. Col. HASHIMOTO, SHIGEFUJI  
12 and others,<sup>a</sup> to enable the masses to express their  
13 disapproval of the Diet, then in session, by means  
14 of a mass demonstration and a bombing in the vicinity  
15 of the Diet. It was expected that the ensuing  
16 turmoil would necessitate the declaration of martial  
17 law, the overthrow of the Cabinet, and the plan was  
18 to install War Minister UGAKI as Premier, thus  
19 centering political power around the Army group.<sup>b</sup>  
20

21 LL-10. KOISO denied any connection with the  
22 initial plot but claimed that OKAWA first broached  
23 the matter to UGAKI, and later, returning for a

24 LL-8.

25 <sup>d</sup>. TANAKA, Ryukichi, T. 2002-3.

LL-2.

<sup>a</sup>. T. 1927-8.

<sup>b</sup>. Ex. 2177-A, T. 15586; 32282-3.

second conference, explained the plan to him. At this  
 1 meeting KOISO said that he concluded that the plan  
 2 was reckless.<sup>a.</sup> Nevertheless, instead of dissociating  
 3 himself from participation therein, he ordered his  
 4 subordinate NAGATA to examine the plan to find out  
 5 whether the plan had consistency<sup>b.</sup> because, as he now  
 6 claims, the matter had to be reported to the War  
 7 Minister and he said no plan could be submitted to  
 8 the War Minister in which there was any inconsistency.<sup>c.</sup>  
 9 Just why a plan of this kind which had no relation to  
 10 War Department affairs had to be presented to UGAKI,  
 11 the War Minister, was not explained.  
 12

13 LL-11. Although the plan finally was can-  
 14 celled, due to UGAKI's refusal to permit the same to  
 15 be executed,<sup>a.</sup> the action planned, and the measures  
 16 adopted, indicate definitely that the participants  
 17 were motivated by a desire to solve the Manchurian  
 18 problem,<sup>b.</sup> and accomplish Japan's "overseas develop-  
 19 ment,"<sup>c.</sup> and at the same time set up a new political  
 20 power centering around the army.<sup>d.</sup>  
 21

22 LL-10.

- 23 a. T. 32288.  
 24 b. T. 32291.  
 25 c. T. 32291.

26 LL-11.

- 27 a. T. 15582.  
 28 b. T. 15578.  
 29 c. T. 15581.  
 30 d. T. 15583.



1 LL-12. In working out the plan, KOISO  
 2 gradually "came to be involved" and later "took  
 3 charge of everything,"<sup>a.</sup> and it was agreed between  
 4 OKAWA and KOISO, that OKAWA would represent the  
 5 civilians and KOISO would represent the Army.<sup>b.</sup>

6 LL-13. TATEKAWA, Yoshitsugu, Chief of the  
 7 Second Section of the Army General Staff, made  
 8 available for OKAWA's use, 300 imitation bombs in  
 9 connection with the proposed bombing.<sup>a.</sup> After it was  
 10 decided by UGAKI that the plan should be abandoned,  
 11 KOISO requested the return of the bombs from OKAWA,  
 12 SHIMIZU and finally he intervened with Marquis  
 13 TOKUGAWA, because he felt the prestige of the army  
 14 would suffer unless the bombs were recovered.<sup>b.</sup> He  
 15 did not seize the bombs by using military authority  
 16 because he claims that the bombs belonged to the  
 17 infantry school which was under the jurisdiction of  
 18 the Inspector General of Education, a separate branch  
 19 of the Army from the War Ministry.<sup>c.</sup> It is interesting  
 20 to note that General MUTO, Nobuyoshi, now deceased,  
 21 who was Inspector General of Military Education at  
 22 that time, showed no interest whatsoever in the matter,

24 LL-12.

25 a. T. 15582.  
 b. Ex. 2177-A,  
 T. 15583.

LL-13.

a. T. 32285-6.  
 b. T. 32298-97.  
 c. T. 32298



1 and KOISO, who claimed on cross-examination that  
2 the Military Affairs Bureau had no responsibility  
3 in connection with the bombs, was more concerned as  
4 to their return than anyone else, including General  
5 MUTO, who he says they were charged to.

6 THE PRESIDENT: We will recess for fifteen  
7 minutes.

8 (Whereupon, at 1045, a recess was  
9 taken until 1100, after which the proceedings  
10 were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 MR. FIXEL (Reading continued) LL-14. Apart  
4 from OKAWA's statements as to KOISO's participation in  
5 the March Incident, there is testimony of ISHIHARA that  
6 there were "rumors" at the time of the incident, that  
7 the principal figures in it were KOISO, UGAKI, NAGATA,  
8 and other officers in the War Ministry.<sup>a</sup> HASHIMOTO,  
9 on taking the stand, testified that KOISO's connection  
10 with the incident was his attempt to secure the return  
11 of the bombs,<sup>b</sup> although he previously stated in  
12 interrogations that KOISO was one of the planners of  
13 the March and October Incidents.<sup>c</sup> KOISO himself  
14 insisted on the stand that he was not a participant, but  
15 on the contrary had warned the Vice Chief of the General  
16 Staff of the impropriety of officers participating in  
17 a plot of the nature of the March Incident.<sup>d</sup>

18 LL-15. In evaluating the evidence pro and  
19 con as to KOISO's relation to the March Incident, the  
20 conclusion must be reached that KOISO was a conspirator  
21 in the plot. His actions in relation to OKAWA, when  
22 OKAWA presented his plan to him are not consistent

23 LL-14

- 24 a. T. 22,202  
25 b. T. 28,807  
c. T. 15,676-7  
d. T. 32,287

1 with his claim of non-participation. It is idle for  
2 him to say now that he referred OKAWA's plan to NAGATA,  
3 his subordinate, to determine the consistency of the  
4 plan because the matter could only be reported to the  
5 War Minister if it was consistent,<sup>a</sup> because the plan  
6 was never found consistent by NAGATA, and because he  
7 took the matter up with UGAKI, the War Minister, one  
8 or two days after he had given the plan to NAGATA for  
9 examination.<sup>b</sup> On the basis of this undisputed evidence,  
10 KOISO did present an inconsistent plan to UGAKI notwith-  
11 standing his testimony that only consistent plans could  
12 be presented to the War Minister. Either KOISO felt  
13 that the plan was consistent when he saw UGAKI, or he  
14 was determined to secure the consent of UGAKI despite  
15 the plan's inconsistency and absurdity. KOISO's present  
16 condemnation of the OKAWA plan does not fit into the  
17 pattern of the actions he took sixteen years ago. At  
18 that time he seemed so interested in the plan to over-  
19 throw the Cabinet that (a) he gave OKAWA a hearing and  
20 became familiar with the plan;<sup>c</sup> (b) he directed OKAWA,  
21 pursuant to UGAKI's order, to put the plan in writing;<sup>d</sup>

LL-15

- 23 a. T. 32,291  
24 b. T. 32,292  
c. T. 32,290  
25 d. T. 32,290

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2 him to say now that he referred OKAWA's plan to NAGATA,  
3 his subordinate, to determine the consistency of the  
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17 pattern of the actions he took sixteen years ago. At  
18 that time he seemed so interested in the plan to over-  
19 throw the Cabinet that (a) he gave OKAWA a hearing and  
20 became familiar with the plan;<sup>c</sup> (b) he directed OKAWA,  
21 pursuant to UGAKI's order, to put the plan in writing;<sup>d</sup>  
22

23 LL-15

- 24 a. T. 32,291  
25 b. T. 32,292  
c. T. 32,290  
d. T. 32,290



1 (c) he asked OKAWA to read the plan to him after it had  
2 been reduced to writing;<sup>e</sup> (d) he made pencil notations  
3 of the plan and took these notes to the War Minister;<sup>f</sup>  
4 (e) he ordered NAGATA, his subordinate, to examine the  
5 plan to determine whether it was consistent;<sup>g</sup> (f) he  
6 reported the plan to the War Minister<sup>h</sup> in spite of the  
7 fact that the plan was not consistent; (g) one or two  
8 days later KOISO went to see UGAKI and asked for his  
9 reaction.<sup>i</sup> These actions show KOISO's determined  
10 insistence to secure UGAKI's consent to the proposal,  
11 and his active participation in the plot.  
12

13 LL-16. These facts and admissions show not  
14 merely a disinterested passive attitude on the part of  
15 KOISO, on a matter which was not proper for considera-  
16 tion by a Chief of the Military Affairs Bureau, but  
17 indicate a close cooperation between KOISO and the chief  
18 conspirator, OKAWA, aiming at the acceptance by the War  
19 Minister, of a scheme to create a coup d'etat, having  
20 as its object placing the military in the saddle, as  
21 the first step toward solving the Manchurian Incident.  
22

23 LL-15

24 e. T. 32,290  
25 f. T. 32,291  
g. T. 32,291  
h. T. 32,292  
i. T. 32,292

(d) His Relation to the Mukden Incident.

LL-17. KOISO became apprehensive of the critical situation in Manchuria in the summer of 1931 and spoke to MINAMI and the Vice Chief of the General Staff about it.<sup>a</sup> He claims he did not mention TATEKAWA's name as a suitable person to be entrusted with the mission to stop an outbreak in Manchuria,<sup>b</sup> and it was only after TATEKAWA had been dispatched that he says he was informed that TATEKAWA had been selected.<sup>c</sup> The testimony of MINAMI that he met with TATEKAWA prior to his trip and talked the matter over with him<sup>d</sup> and instructed him to investigate reports of HAYASHI that there were Kwantung Army movements around Mukden,<sup>e</sup> clash significantly with KOISO's assertion that he did not know in advance that TATEKAWA was to make the trip. TATEKAWA and KOISO were great friends.<sup>f</sup> They were both interested in Manchurian problems.<sup>g</sup> The General Staff selected TATEKAWA as a personal emissary in order that the ideas of the Chief of the General Staff and War Minister would be thoroughly understood in Mukden

LL-17

- a. T. 32,307-8
- b. T. 32,309
- c. T. 32,310
- d. T. 19,821
- e. T. 19,827
- f. KAWABE, T. 19,433-4
- g. MINAMI, T. 19,822

by the people on the spot.<sup>h</sup> Although there was telegraph  
 connection between Tokyo, Port Arthur and Mukden,<sup>i</sup> this  
 personal emissary was sent. Major General TATEKAWA, the  
 emissary, was the same person who was responsible for  
 securing the bombs for OKAWA in the abortive March  
 Incident.<sup>j</sup> Although KOISO denied that TATEKAWA failed  
 to carry out his mission by reason of a preconceived  
 arrangement with him,<sup>k</sup> nevertheless, it is more than  
 a coincidence that TATEKAWA, of all persons available,  
 should have been selected to carry out a mission, the  
 object of which was irreconcilably in conflict with  
 TATEKAWA's desires, namely, the acquisition of Manchuria  
 by Japan, and for that reason, it is readily apparent  
 why TATEKAWA failed to deliver the orders of the General  
 Staff upon his arrival at Mukden. TATEKAWA's duplicity  
 and wilful disobedience of his orders was admitted by  
 him in a conversation with TANAKA, Ryukichi, in which  
 he said that he acted in this manner because he was in  
 sympathy with the contemplated action of the Kwantung  
 Army and had no desire to stop it.<sup>l</sup> TATEKAWA's claim  
 that it was too late for him to do anything about the

LL-17

- h. T. 32,325
- i. T. 32,324-5
- j. T. 32,326
- k. T. 32,326
- l. T. 2,005-7



1 matter the morning following the Mukden Incident<sup>m</sup> is  
 2 further evidence that he came to Mukden with a scheme  
 3 to let the Incident occur, and after its occurrence he  
 4 washed his hands of the matter, as though he had merely  
 5 come to Mukden on a pleasure trip. The record is  
 6 absolutely bare of any facts showing that TATEKAWA  
 7 carried out his mission, or that he took any steps to  
 8 stop the rolling war machines of Japan in the incipency  
 9 of the military movements then starting. Conspiracy is  
 10 written on every phase of TATEKAWA's actions, and the  
 11 relationship between TATEKAWA and KOISO, and the fact  
 12 that TATEKAWA made the trip after KOISO's representations  
 13 to the General Staff is of major importance in evaluat-  
 14 ing whether there was a concerted plan between the two  
 15 of them.

16 LL-18. In the Report of the Commission of  
 17 Enquiry appointed by the League of Nations<sup>a</sup> it is  
 18 stated that among other things which set the stage for  
 19 the events that took place on 18 September 1931 and  
 20 thereafter, were the "dissatisfaction of the Army,"  
 21 "the appearance of a new political force emanating from  
 22 the Army," the abandonment of the SHIDEHARA "policy of

24 LL-17 m. T. 2,005-7

25 LL-18 a. Ex. 57, T. 66-7



1 conciliation," and the vigorous speeches by the Japanese  
 2 War Minister in Tokyo, counselling direct action by their  
 3 army in Manchuria.

4 LL-19. The conclusion reached by the Assembly  
 5 of the League of Nations on 24 February 1933<sup>a</sup> that the  
 6 Manchurian movement was conceived, organized and carried  
 7 through by a group of Japanese civil and military  
 8 officials points to the actions of KOISO, TATEKAWA and  
 9 others in the War Ministry prior to the Mukden Incident,  
 10 the overt act which culminated years later in the Pacific  
 11 War.

12 (c) KOISO's Knowledge of Plans for Conquest  
 13 of Manchuria and Mongolia.

14 LL-20. Although KOISO denied knowledge that  
 15 studies were being made in the War Ministry prior to the  
 16 Manchurian Incident concerning the conquest of Manchuria,  
 17 prosecution exhibit 3375,<sup>b</sup> dated 25 July 1931, shows  
 18 that such study was being made. This appeared in a  
 19 report from the Commander of Military Police sent to  
 20 the War Ministry and was processed by SHIMANUKI, one of  
 21 KOISO's assistants, contemplating action by Japan to  
 22 secure complete possession of Manchuria and Mongolia,

23 LL-19 a. Ex. 59, T. 40-44

24 LL-20

a. T. 32,300

25 b. T. 32,303-05

1 from the standpoints of maintenance of fighting ability  
2 and of self-sufficiency.<sup>c</sup> In this communication the  
3 Commander of the Military Police asked for a minimum  
4 of 5,000 military police if complete military occupation  
5 was planned.<sup>d</sup> KOISO, as Chief of the Military Affairs  
6 Bureau, is chargeable with knowledge of the studies and  
7 plans which were considered in his bureau, and his  
8 plea of ignorance thereof may be considered manufactured  
9 to fit the present situation.

10 LL-21. It was also while KOISO was Chief of  
11 the Military Affairs Bureau that a document from the  
12 Chief of Staff of the Kwantung Army passed through his  
13 bureau, on 9 December 1931, explaining what was called  
14 the "temporary expedient system" in effect in Manchuria.  
15 This system was a plan to provide guidance to the  
16 various Chinese regimes, and proposed that if a new  
17 regime was established it should be guided inwardly.  
18 The plan was to effect such guidance by a small organ  
19 so that the secret would not leak out and endanger the  
20 establishment of rights and interests by Japan. Further-  
21 more, it was proposed that if a new government were  
22 established, its guidance would be carried out by an

24 LL-20

c. T. 32,303

d. T. 32,304

25

advisory body.<sup>a</sup> That this was actually done is demonstrated by the establishment of an "advisor" system,<sup>b</sup> with General TADA as the guiding genius, by means of which the Kwantung Army secured complete control not only of the Manchukuoan Army but also the Manchukuo Government.

LL-22. KOISO knew or should have known that plans were thus made for the establishment of the puppet government of Manchukuo, by the interference and active guidance of Japanese organs and agencies, in violation of the Nine-Power Treaty, and procedures were adopted to effectuate the continued dominance by Japan in the affairs of Manchukuo, by secret and evasive means.

3. KOISO's Relation to Activities in Manchuria Subsequent to the Incident.

LL-23. At the time of the Manchurian Incident, WAKATSUKI was Prime Minister. Under his leadership the Cabinet opposed expansion of the Army,<sup>a</sup> and the budget for the Army was reduced.<sup>b</sup> However, the Army group gained power between July and October 1931, and an association to study Manchurian and Mongolian problems which had Lieutenant Colonel HASHIMOTO and SHUGEFUJI as its backers, was formed among a group recently graduated

LL-21. a. Ex. 3377, T. 32,339-41; also T. 33,629-30

b. Ex. 3378-A, T. 32,357-72

LL-23. a. T. 1,556; 1,589

b. T. 1,554



1 from the Army Staff College. The Army could not check  
2 these persons, and difficulty was even had in drafting  
3 a budget.<sup>c</sup>

4 LL-24. KOISO, as Chief of the Military Affairs  
5 Bureau,<sup>a</sup> had the duty to put the General Staff plans  
6 into effect. In other words, in drawing up any plans  
7 for operations, organization, and the mobilization of  
8 the Army, the General Staff Office had to have expenses  
9 and supplies given to it by the War Ministry, since  
10 the War Minister controlled expenses and supplies. In  
11 making such plans, the General Staff Office requested  
12 the War Ministry for such expenses and supplies. Upon  
13 receiving such request the War Ministry, after studying  
14 the funds and supplies it had, carried out the General  
15 Staff's plans, and the Military Affairs Bureau was the  
16 section of the War Ministry for carrying out these plans.<sup>b</sup>

17 LL-25. The Cabinet as a whole realized that  
18 the Manchurian Incident had the elements of a very  
19 serious situation and MINAMI was informed it should be  
20 terminated.<sup>a</sup> Notwithstanding this determination,  
21 MINAMI permitted the situation to expand day after day,  
22

23 LL-23.

c. Ex. 179-B, T. 1,927-8

24 LL-24.

a. T. 1,556  
b. T. 15,859

25 LL-25. a. T. 1,554-5

although he gave assurance that it would be discontinued.

MINAMI testified that he could have stopped HONJO if he wanted to, but he concluded he could not do so because of tactical and strategic reasons.<sup>b</sup> KOISO as Chief of the Military Affairs Bureau is chargeable with aiding and acquiescing in MINAMI's action. As a result of MINAMI's failure to control the Kwantung Army, WAKATSUKI resigned.<sup>c</sup>

LL-26. KOISO also appeared as an endorser of HIRANUMA for Premier, in May 1932, following the assassination of Premier INUKAI.<sup>a</sup> The suggestion by KOISO that HIRANUMA be the next Premier at that time is significant, as HIRANUMA in 1920 was the first President of KOKUHONSHA, the "Foundation of the State Society," which was related to the "Black Dragon" Society, later called "Production Party," in which KOISO was a director,<sup>b</sup> and apparently both KOISO and HIRANUMA kept up their interest in KOKUHONSHA as is evidenced by their attendance at a meeting of the Society in July 1931.<sup>c</sup>

4. KOISO as Chief of Staff of Kwantung Army.

LL-25. b. T. 1,554-5; 19,833  
c. T. 1,557

LL-26. a. Ex. 2252, T. 16,215  
b. Ex. 164, T. 1,636  
c. T. 32,274

(a) Political Activities Resulting In  
Violations of the Nine-Power Treaty.

LL-27. On 8 August 1932, KOISO became Chief of Staff of the Kwantung Army.<sup>a</sup> He held this position until 5 March 1934.<sup>b</sup> While he asserts that he had no power to command troops while Chief of Staff, because he was only a staff officer responsible for administrative matters in the Kwantung Army Headquarters,<sup>c</sup> he initiated several important policies, all violative of the Nine-Power Treaty, namely: (a) control of the Manchukuo Government as shown by letter dated 3 November 1932,<sup>d</sup> being an outline for guiding Manchukuo; (b) domination of Manchukuoan foreign commerce as shown by letter dated 29 December 1932, outlining a general policy for Manchukuo customs duty, under which no power other than Japan was to share unconditionally in Manchukuo-Japanese tariffs,<sup>e</sup> and (c) control of government officials as shown by telegram 24 January 1934, recommending divided responsibility in the Manchukuoan Government so that the Commanding General of the Kwantung Army could control either the Premier or a department

- LL-27
- a. T. 32,225
  - b. T. 32,231
  - c. T. 32,230
  - d. Ex. 230, T. 2,903
  - e. Ex. 3379-A, T. 32,377-80



head.<sup>f</sup> He also must have been cognizant of the  
1 Advisor system, established at the founding of the  
2 Empire, under which the Kwantung Army Advisors  
3 secured control of the local and central governments  
4 in Manchukuo,<sup>g</sup> as this Advisor system was directed  
5 by General TADA, who was amenable to the Commanding  
6 General, Kwantung Army.  
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23 LL-27

24 f. Ex. 3380-A, T. 32,383-4  
25 g. Ex. 3378-A, T. 32,357-72

(b) Military Activities Involving Aggressive Warfare against China.

LL-28. The preparation of Manchuria as a military base for operations against other parts of China and the U.S.S.R. while KOISO was Vice War Minister, 29 February 1932 to 8 August 1932,<sup>a.</sup> and thereafter while he was Chief of Staff of the Kwantung Army, 8 August 1932 to 5 March 1934,<sup>b(1)</sup> is fully treated in the General Summaries.<sup>b(2)</sup> After the occupation of the three provinces of Liaoning, Kirin and Heilungkiang, two general offensives were launched in July and August 1932. During the remainder of the year quite a number of Chinese key points were occupied, and small scale attacks continued from time to time.<sup>c.</sup> KOISO claims that since Manchukuo, in its declaration of independence dated 1 March 1932, announced that the four Northeastern Provinces were within its territory, it was necessary for the Kwantung Army in cooperation with Manchukuo to restore law and order in Jehol Province.<sup>d.</sup> At the beginning of 1933, while KOISO was Chief of Staff, the battle of Shanhaikwan was started and the key points along the Great Wall, such as

(LL-28. c. Ex. 114, T. 733

b(1). Ex. 114, T. 733

b(2). D-51, 52, and 77; e-16-19; H-30-32, 42-51.

c. Ex. 192A, T. 2268-70

d. T. 32225.)

Shanhaikwan and Kiumenkow fell into Japanese hands.

Japan and Manchukuo claimed that Jehol was not Chinese territory. The Chinese were given a 24-hour ultimatum

to withdraw Chinese forces from Jehol. On 2 March

1933 Jehol fell. From 1933 to 1935 there were con-

spiracies to oust Chinese from Hepei and Chahar.

The claim that additional military operations, after

Jehol, were necessary due to persistent attacks by bandits and Chinese groups against the Great Wall,

has little weight, in view of the documents already

referred to which show that pacification of Manchukuo

was not the real purpose of these military activities,

but that seizure and control of the local and central

government of Manchukuo and exploitation of the country

for Japan's benefit was actually the aim, and that such

aim was accomplished.

LL-29. Pu-Yi's testimony shows that such con-

trol by the Kwantung Army was exercised in Manchukuo

over banking; over the courts; over cotton;

over currency; over appointments; over labor;

over land; over opium; over rice; and over travel.

(LL-28. c. Ex. 192A, T. 2269	(LL-29. a. T. 4032-3
f. Ex. 192A, T. 2268-70	b. T. 4045, 4283
e. T. 2270	c. T. 4028
h. T. 2701	d. T. 4031, 4210
i. T. 32229	e. T. 3987
J. Ex. 3379A, Ex. 3380A,	f. T. 4037-9
and Ex. 3378,	g. T. 4033-6
Ex. 230, T. 2903.)	h. T. 4040-4, 4322
	i. T. 4030
	j. T. 4036



(c) KOISO's Connection with Opium Control in Manchuria.

1  
2 LL-30. Although KOISO denied he had any con-  
3 nection with opium control in Manchukuo the testimony  
4 of AIZAWA in the DOHIHARA individual phase emphasized  
5 that the Special Service Organ had no such control<sup>e.</sup> and  
6 MINAMI testified that one of the reasons he had for  
7 abolishing the Special Service Department when he became  
8 commanding general of the Kwantung Army was that the  
9 Special Service Department may have been running the  
10 opium traffic for its own benefit instead of for the  
11 Government of Manchukuo.<sup>b.</sup> KOISO was Executive of the  
12 Special Service Department<sup>c.</sup> concurrently with his  
13 other function as Chief of Staff of the Kwantung Army.<sup>d.</sup>  
14 If the Special Service Department had control of Opium,  
15 the responsibility for increased growth of poppies, the  
16 increased use of opium,<sup>e.</sup> and the use of the profits  
17 thereof,<sup>f.</sup> are matters for which KOISO would be  
18 chargeable. For instance, the extensive encouragement  
19 for users of opium and heroin in Manchuria is shown  
20 by the large number of retail shops selling same;<sup>f.</sup>  
21 and the same applied in Kirin,<sup>h.</sup> and as to heroin,

23 (LL-30. a. T. 28606 f. T. 4683-6  
24 b. T. 19976 g. T. 4688  
c. T. 32373-4 h. T. 4690)  
25 d. Ex. 114, T. 733  
e. T. 4,690, 4905  
488, 4673-4

1. extensive traffic was permitted in Chehar and Jehol.

5. KOISO as Minister for Overseas Affairs.

LL-31. KOISO served as Minister for Overseas Affairs in the HIRANUMA Cabinet from 7 April 1939 to August 1939; and in the YONAI Cabinet from 16 January 1940 to 22 July 1940.<sup>f.</sup> He denied making statements attributed to him in an interview on Domei News Agency,<sup>b.</sup> in which he is reported to have stated that a strengthening of the German Alliance would be acceptable if Germany and Italy understood Japan's position.<sup>c.</sup> He remained a member of HIRANUMA's Cabinet while HIRANUMA took action to strengthen the Anti-Comintern Pact,<sup>c.</sup> but claimed the Cabinet was not told of it.<sup>c.</sup> He admitted he heard from HARADA of HIRANUMA's message to Hitler extolling Hitler's "wisdom" and "iron will," and praising Hitler for the "noble task" in which he was engaged.<sup>f.</sup> He admitted he had a conversation with HARADA on two occasions in May 1939, in which HARADA claims KOISO urged strengthening the Tri-Partite Pact, but he says that HARADA's Diary as to the conversations is "entirely false,"<sup>e.</sup> and was but a reflection of

(LL-30. 1. T. 4780-2)

(LL-31. a. Ex. 114, T. 734; (LL-31. c. T. 32401  
32,231-2. f. T. 32402  
b. T. 32234 g. T. 32403.)  
c. Ex. 2214, T. 15816  
d. T. 32401

1 HARADA's "subjective view" that KOISO favored the Pact.<sup>h</sup>  
 2 As for his conversation with the Navy Minister in 1939,  
 3 he claims he did not urge the Pact, but only asked the  
 4 Navy Minister whether the Navy's thoughts in regard to  
 5 the Alliance were changing.<sup>1.</sup> /That KOISO favored the  
 6 Tri-Partite Pact is shown from the HARADA Memoirs./<sup>j.</sup>

7 LL-32. While he was Minister of Overseas  
 8 Affairs in the YONAI Cabinet, KOISO had a meeting with  
 9 Ott, in which he was said to have asked Ott to find out  
 10 what Germany's attitude would be to military action by  
 11 Japan in French Indo-China and the East Indies.<sup>a.</sup>  
 12 KOISO claims that in sending his report of this con-  
 13 versation to Germany, Ott phrased it, so as to indicate  
 14 that KOISO said what actually Ott had been telling  
 15 KOISO.<sup>b.</sup>

16 LL-33. In this connection it is significant  
 17 that KOISO took no affirmative action as a Cabinet  
 18 member to check Japan's aggressive actions toward  
 19 French Indo-China, such as the Four Ministers' Con-  
 20 ference decision of 19 June 1940, to use force against  
 21 French Indo-China, without negotiations;<sup>a.</sup> the plan  
 22 to seize the Yunnan Railway;<sup>b.</sup> and the proposal of

23 (LL-31. h. T. 32496  
 24 i. T. 32409  
 25 j. Ex. 3801B, T. 37815)  
 (LL-32. a. T. 32411  
 b. T. 32411)  
 (LL-33. a. Ex. 619, T. 6824  
 Ex. 520, T. 6163)  
 b. Ex. 520, T. 6164-5



1 22 June 1940 by Japan to France that Japanese officials  
2 be sent to French Indo-China to determine what materials  
3 would be permitted to be shipped via Indo-China to  
4 China.<sup>c</sup> His acquiescence in these policies, which  
5 invaded the sovereignty of French Indo-China, lend  
6 additional credence to the telegram Ott sent (supra),  
7 in which KOISO himself, as was stated, actively planned  
8 military action in the South Pacific, provided Germany  
9 would give its consent thereto.

10 LL-34. It would be the height of incredulity  
11 to give any credence to KOISO's claim that HARADA and  
12 Ott misrepresented him in their writings, as no sub-  
13 stantial evidence or theory was announced by him to  
14 support this claim made by him at the hearing.

15 LL-35. KOISO knew in the spring of 1940 that  
16 the Japanese Foreign Office was announcing that the  
17 status quo of the Netherlands East Indies would be  
18 preserved,<sup>a</sup> but he says he had no knowledge of  
19 economic demands then being made on the East Indies  
20 by Japan which would have interfered with its sov-  
21 ereignty.<sup>b</sup> However, in a speech before the Budget  
22 Committee of the Diet on 17 February 1940, he stated

23 (LL-33. c. Ex. 618A, T. 6851-2)

24 (LL-35. a. T. 32411-12  
25 b. T. 32412.)

c  
that Japan's destiny was to advance in all directions.

1 He testified that the traditional culture of Japan  
2 embraced all ideologies<sup>d.</sup> and could merge with all of  
3 them and advance without opposition, and he stated  
4 that he did not think any opposition to Japan's ad-  
5 vance would arise.<sup>c.</sup>

6 LL-36. On 17 March 1940, KOISO spoke before  
7 the Joint Conference of the Committee of Accounts,  
8 75th Session of the Diet, recommending a two-fold  
9 policy of having the South Pacific as well as the  
10 North the objectives of Japan.<sup>c.</sup> That Japan was  
11 sounding out Germany in the spring of 1940 as to her  
12 attitude toward a movement south is indicated by an  
13 announcement by Ott in May 1940, that Germany was not  
14 interested in the Netherlands Indies. This action by  
15 Germany was considered a "carte blanche" to Japan.<sup>b.</sup>  
16 Thereafter, on 20 May 1940, further demands were made  
17 by Japan on the Netherlands.<sup>c.</sup> The negotiations with  
18 the Netherlands East Indies which culminated in war  
19 were begun by a note dated 2 February 1940, while  
20 KOISO was Minister of Overseas Affairs, in which Japan  
21 demanded viturally unrestricted economic privileges  
22

23 (LL-35. c. T. 32416

24 d. T. 32417

e. T. 32418)

25 (LL-36. a. Ex. 2215, T. 15824-25

b. Ex. 517-9, T. 11698-9

c. Ex. 1309A, T. 11787-9.)

in the East Indies, <sup>d.</sup> and while KOISO claims he knew  
 1 "little" about such negotiations, <sup>e.</sup> Ott reported to  
 2 his government on 24 June 1940 that KOISO asked him  
 3 what Germany's attitude would be to military activity  
 4 by Japan in Indo-China and parts of the Netherlands  
 5 Indies, to which the Ambassador replied that Germany  
 6 would probably raise no objection provided Japan would  
 7 pledge herself to tie down America in the Pacific area,  
 8 perhaps by a promise to attack the Philippines and  
 9 Hawaii in the event of America's entry into the war  
 10 against Germany. <sup>f.</sup> Later, KOISO was considered as an  
 11 envoy in August 1940 to consummate the drastic demands  
 12 against the East Indies. <sup>g.</sup> He denied that he con-  
 13 ditioned his acceptance as envoy on being sent on a  
 14 battleship and being given authority to fire in case of  
 15 emergency. <sup>h.</sup>

17 LL-37. While Japan, during this period  
 18 (February to June 1940) was asserting it entertained  
 19 no territorial ambitions in the East Indies and any  
 20 suspicion that it intended to proceed against the  
 21 East Indies was unfounded, <sup>i.</sup> the Japanese Foreign  
 22 Minister refused to agree with a United States proposal

23 (LL-36. d. Ex. 13094, T. 11780-2  
 24 c. T. 32426  
 25 f. Ex. 523, T. 6174  
 g. T. 32427  
 h. T. 32427)  
 (LL-37. i. Ex. 1014, T. 11685-6.)



27 June 1940, to maintain the status quo, on the ground  
that it would 'be inadvisable at this time to have  
Japan's activities including those in the Netherlands,  
restricted,"<sup>b.</sup> and on 12 and 16 July 1940, the Army,  
Navy and Foreign Offices of Japan discussed Japan's  
attitude toward the southern regions and Japan's  
future domination of these areas.<sup>c.</sup>

LL-38. It was also in this period, while  
KOISO was a member of the YONAI Cabinet that the Japanese Government on 3 March 1940 decided to revise its economic policy in connection with diplomacy toward the United States by freeing itself from reliance, on the United States, as soon as possible, for such materials as scrap iron, petroleum, electrolytic copper, molybdenum and vanadium, and machine tools; decided to expand production of military equipment; decided to secure more intimate relations with Manchukuo and China; and decided to make further efforts to bring<sup>c.</sup> the southern countries within Japan's economic sphere.

(LL-37. b. Ex. 1294, T. 11708-9  
c. Ex. 527-8, T. 11699)

(LL-38. a. Ex. 1007, T. 9635-42.)

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1 LL-39. The necessity for Japan to secure  
2 raw materials for her war making plans from new  
3 sources accounts for the militant and aggressive  
4 action by Japan in her dealings with the East Indies  
5 and French Indo-China.

6 LL-40. While these sparring measures pre-  
7 liminary to war were being taken, KOISO was Minister of  
8 Overseas Affairs. He had a responsibility as a Cabinet  
9 member either to resign, or to denounce the several  
10 actions taken to achieve Japan's objective by pressure  
11 methods. His failure to disassociate himself from the  
12 aggressive moves, and his failure to object to con-  
13 tinued military operations in China, which resulted in  
14 the capture of Haichow in Shantung Province on 4 March  
15 1940; the recapture of Kaifeng on 24 April 1940, and  
16 the capture of Naichang on 12 June 1940<sup>a.</sup> make him a  
17 party to the actions by Japan against her neighbors,  
18 violative of their treaty rights and sovereignty.

19 LL-41. All the talk about nonaggressive and  
20 self-defensive action taken in China and the South  
21 has a hollow sound when it is seen that so-called  
22 "pacification" and "defense" became the means used  
23 by Japan to achieve economic and political domination.  
24 The decisions of the Five Ministers Conference as to  
25 LL-40. a. Ex. 254 and 276-A, T. 3431, 3700, 29415-16.

China illustrate the pattern established to control and exploit subjugated territories,<sup>a.</sup> and the seizure of the whole economy of the East Indies also illustrates Japan's real purposes, and lack of candor.<sup>b.</sup>

6. KOISO as Governor General of Korea.

LL-42. It was while KOISO was Governor General of Korea (29 May 1942 to 22 July 1944), that British POW arrived in Korea on 13 August 1942, and were publicly paraded and degraded.<sup>a.</sup> Although he was not Governor General when this matter was arranged, the pre-existing plan to publicly degrade these "white" prisoners was carried out while he was Governor-General.

LL-43. Also while he was Governor General, Japan's military forces increased to about 1,100,000 in Manchuria by January 1, 1942.<sup>a.</sup> Such a vast military force in Manchuria, with Korea as the supply base, was necessary because the North (USSR) as well as the South (The Indies, Java and other countries)<sup>b.</sup> were the objectives of KOISO and others in Japan.

7. KOISO as Prime Minister.

LL-44. KOISO was Premier from 22 July 1944 to 7 April 1945.<sup>a.</sup> At the meeting of Senior Statesmen on 18 July 1944, at which the selection was made,

LL-41. a. Ex. 3457, T. 37350; b. T. 12150-56.

LL-42. a. Ex. 1975, T. 14522.

LL-43. a. Ex. 706, T. 7532; b. Ex. 2215, T. 15825-6;

LL-44. a. T. 11383-4. 15830.



1 KOISO was second choice of TERAUCHI.<sup>b.</sup> OKADA, an  
 2 elder statesman, wanted to re-examine the question  
 3 whether KOISO could organize a truly national cabinet.<sup>c.</sup>  
 4 General ABE was the only one who disagreed to a KOISO-  
 5 YONAI Coalition Cabinet.<sup>d.</sup> KIDO testified that when  
 6 KOISO was selected KOISO knew only three of the  
 7 Senior Statesmen.<sup>e.</sup> During KOISO's regime he made  
 8 efforts to increase production of munitions and food-  
 9 stuffs; bring adjustment between the state policy and  
 10 the supreme command,<sup>f.</sup> and settle the China war.<sup>g.</sup>  
 11 He tried to return to active service so that he could  
 12 hold the additional post of War Minister, so that he  
 13 could determine whether the war should be terminated  
 14 or be fought out on the mainland of Japan,<sup>h.</sup> but in  
 15 this he was opposed by SUGIYAMA and could not carry  
 16 out his plan.<sup>i.</sup> He claimed he was thwarted in his  
 17 efforts to settle the China war as a result of oppo-  
 18 sition by the Ministers of War, Navy and Foreign  
 19 Affairs,<sup>j.</sup> and at a later date the Emperor told him  
 20 to return Miao Pin, the go-between KOISO expected to  
 21 use to negotiate with Chiang Kai-shek, to China.<sup>k.</sup>  
 22 KOISO did not explain, in this connection, how he  
 23 expected to secure peace with China, in view of the  
 24  
 25 LL-44. b. KIDO, T. 31081. c. T. 31099; d. T. 31104;  
 e. T. 31105; f. T. 32254; g. T. 32253; h. T. 32262;  
 i. T. 32256; j. T. 32260; k. T. 32261.

1 unrescinded decision of the Five Ministers' Conference  
 2 of 15 July 1938, which had proved a stumbling block  
 3 to peace since that date, and which provided in detail  
 4 for Japanese supervision of military affairs, foreign  
 5 relations, economic matters, religion and education  
 6 in China.<sup>1.</sup>

7 LL-45. KOISO, on 21 April 1942, had been  
 8 made a member of the committee for the establishment  
 9 of Greater East Asia.<sup>a.</sup> The scope and purpose of  
 10 Greater East Asia were discussed in the Diet in  
 11 January 1942.<sup>b.</sup> The countries to form the Greater  
 12 East Asia were Japan, Manchukuo and Nanking, China,  
 13 as the inner core. Thailand and Indo-China were to  
 14 be included.<sup>c.</sup> The Malay Peninsula and Hong Kong were  
 15 to be transformed into a bulwark for the Greater East  
 16 Asia.<sup>d.</sup> The Philippines and Burma would be given  
 17 independence, as puppets, on the lines of Manchukuo;<sup>e.</sup>  
 18 and the Netherlands East Indies, Australia and Chung-  
 19 king, China, were to be conquered by force of arms if  
 20 they persisted in resisting Japan.<sup>f.</sup> The purpose of  
 21 the establishment of Greater East Asia was to extend  
 22 Japan's sphere of domination over East Asia and provide  
 23 important sources of raw materials for her; prevent  
 24

25 LL-44. 1. T. 30421-2.

LL-45. a. Ex. 114, T. 735; b. T. 11339; c. T. 11345.  
 d. T. 11341. e. T. 11341-2; f. T. 11342.

1 the flow of raw materials from the South Seas to  
 2 enemy powers; secure self-sufficiency for the army in  
 3 areas of operation and cooperation with Japan by  
 4 existing enterprises in occupied areas. <sup>6.</sup>

5 LL-46. In accepting a place on the committee  
 6 to effectuate the organization to realize the aggres-  
 7 sive action proposed in the conquest or domination of  
 8 sovereign territories, KOISO made his position with  
 9 the militarists crystal clear.

10 LL-47. KOISO later announced in his speech  
 11 before the 85th Diet Session in 1944 <sup>a.</sup> that the real  
 12 objective of Japan in the war of the Pacific was the  
 13 expulsion of Anglo-American influence, the emancipa-  
 14 tion of China from oppression by those countries which  
 15 had continued for 100 years, and the reconstruction  
 16 of a Greater East Asia based on morality and mutual  
 17 cooperation. <sup>b.</sup> He thereby destroyed the fictitious  
 18 assertion that had been made over a period of years  
 19 that Japan was only engaging in a war of defense.  
 20

21 LL-48. It was also while he was Prime <sup>a.</sup>  
 22 Minister that freedom was promised to the East Indies  
 23 but the underlying intent was to retain important

24 MI-45. <sup>a.</sup> T. 11343; also see HASHIMOTO's views, T. 7348-9,  
 25 15652; SUHRATORI's views, T. 3778-9; 3827-31;  
 SUZUKI, SEIGYASHI's views, T. 7438-44; TANAKA,  
 NAOICHI's views, T. 7349-52.

LL-47. <sup>a.</sup> Ex. 277, T. 3703. <sup>b.</sup> Ex. 277, T. 3715.

LL-48. <sup>a.</sup> T. 11670; 12214-5.



places from a military standpoint by lease,<sup>b.</sup> and to re-  
 1 tain control of the agricultural enterprises, sugar indus-  
 2 tries, public utilities, private railways, gas and power  
 3 companies and newspaper plants.<sup>c.</sup> This intent was openly  
 4 announced in the same month KOISO promised independence  
 5 to the East Indies, by the Chief of Staff of the OSAFU  
 6 Army Corps, who said, "There shall be no great alterations  
 7 in the operation and the business structure of the mili-  
 8 tary government."<sup>d.</sup>

10 LL-49. KOISO was also Premier when on  
 11 1 February 1945 the Japanese under the pretext that French  
 12 Indo-China was "lacking in sincerity" in respect to joint  
 13 defense, divested French Indo-China of all semblance of  
 14 sovereignty following a six hour ultimatum to place all  
 15 French Indo-China military forces under Japan's control  
 16 jointly with French Indo-China,<sup>a.</sup> subject, however, to the  
 17 orders of the Japanese Army on matters of organization,  
 18 allotment and movement.<sup>b.</sup> He also knew of the auxiliary  
 19 decision to place French Indo-China communications and  
 20 transportation under Japanese control.<sup>c.</sup> This action was  
 21 the realization of the plan agreed upon by the Army and  
 22 Navy Imperial Headquarters on 16 April 1941 "to occupy  
 23 bases in the southern part of French Indo-China needed

25 LL-48. b. T. 11727; c. T. 12150-56; d. T. 12217.

LL-49. a. Ex. 661, T. 7165; 32429; b. T. 32429. c. T. 32429.

for a military advance into the Netherlands Indies." <sup>d.</sup>

1 LL-50. KOISO's explanation that as Premier he  
2 desired to end the Pacific War, is qualified by his ad-  
3 mitted statement that his plan was to destroy, even  
4 temporarily, the advancing power of the enemy so that  
5 Japan could thereby arrange a negotiated peace. <sup>a.</sup> This  
6 explanation by KOISO is confirmatory of his actions while  
7 Premier to continue military operations more intensively  
8 than ever so as to perpetuate Japan's military machine  
9 in the event of termination of the war by negotiations.  
10 To strengthen the military forces, KOISO strove to ad-  
11 just and harmonize state policy with the policy of the  
12 Supreme Command and also increase production of munitions  
13 and foodstuff, <sup>b.</sup> and to secure the real war potential  
14 of the state by redoubling efforts for prosecution of  
15 the war. <sup>c.</sup> His failure to accomplish his objective of  
16 a more unified command and a more intense prosecution of  
17 the war, led to his resignation as Premier. <sup>d.</sup> He resigned  
18 on 5 April 1945. <sup>e.</sup> KIDO, in summing up his impression  
19 of KOISO, said that he did not mean to say that KOISO  
20 was particularly considered as a peace advocate. <sup>f.</sup> The  
21 Keeper of the Seal should have known whether KOISO was

24 LL-49. <sup>a.</sup> Ex. 1306, T. 11753-4.

25 LL-50. <sup>a.</sup> T. 32252. <sup>d.</sup> T. 31116.  
<sup>b.</sup> T. 32254. <sup>e.</sup> T. 31119.  
<sup>c.</sup> T. 31116. <sup>f.</sup> T. 31243.

1 in reality endeavoring to bring about peace or not. In  
2 his view, KOISO was a militarist.

3 LL-51. KOISO's explanation for continuing  
4 in many important offices although opposing the policies  
5 being put into action, was that the Japanese, by custom,  
6 bend all their efforts to prosecute a policy, once it  
7 has been decided upon.<sup>a.</sup> This is no answer to his partici-  
8 pation in the schemes of the militarists over a number  
9 of years, and his knowing and willing acceptance of the  
10 benefits and offices incident to performance of duties  
11 not compulsorily imposed. And in final analysis, such  
12 subservience to a long standing tradition is no excuse  
13 for the violation of laws, treaties, customs of war and  
14 crimes against humanity.

15 8. KOISO's Connection with POW.

16 LL-52. The witness YAMAZAKI<sup>a.</sup> testified that  
17 the Prisoners of War Information Bureau was established  
18 in accordance with international treaty and was under  
19 the supervision of the Prime Minister as an outside  
20 bureau of the Cabinet.

21 LL-53. The same witness testified that all  
22 matters pertaining to POW in the field (whether in or  
23 outside of Japan) were directed and supervised by  
24

25 LL-51. a. T. 32431.

LL-52. a. T. 14882.



1 commanders of the armies or commanders of independent  
2 divisions.<sup>a.</sup>

3 LL-54. SUZUKI, Tadakatsu, testified<sup>a.</sup> that  
4 documents relating to POW generally were sent to the Chief  
5 of the POW Information Bureau.

6 LL-55. Admitting these facts, it can be said  
7 that the Premier had responsibility to determine whether  
8 the procedures and policies of the Field Commanders and  
9 officials in the POW administrative services were adequate  
10 and in conformity to international law and in accordance  
11 with the dictates of humanity.

12 LL-56. Under the Constitution of Japan, then  
13 in force, it was the duty of the Premier to give advice  
14 to the Throne, coordinate the work of the ministries and  
15 issue orders for the suspension of any administrative  
16 operation or any order by a Minister of State.<sup>a.</sup> Espe-  
17 cially on matters involving foreign nations, such as  
18 POW matters, the Premier was required to know what was  
19 going on, as he had a duty as the top cabinet adviser to  
20 the Emperor to see that activities of his cabinet offi-  
21 cers and their subordinates were properly performed. If  
22 the Premier knew what was going on and failed to take  
23 proper action he was guilty of wilful neglect of his  
24

25 LL-53. a. T. 14887.

LL-54. a. T. 12,841.

LL-56. a. T. 534.

1 duties and if he failed to apprise himself of what was  
2 going on he was equally guilty for neglecting his duties.  
3 Viewed in this light, it must be concluded that KOISO,  
4 as Prime Minister is chargeable with such crimes against  
5 POW as occurred during the time he held the office of  
6 Premier.

7 9. KOISO's Actions in Relation to Counts in  
8 the Indictment.

9 LL-57. (a) Counts 1-17. Paragraphs 2, 3, and 4  
10 herein connect KOISO with the conspiracy counts and with  
11 the waging of aggressive warfare.

12 (b) Count 18. As Chief of Staff of Kwantung  
13 Army, he was responsible for the military movement into  
14 Jehol, and the North China provinces.

15 (c) Count 26. There is a conflict of evidence  
16 on this count in this court. The testimony of TANAKA  
17 is that KOISO ordered the concentration of troops.<sup>a.</sup>  
18 However, this is denied by KOISO.<sup>b.</sup>

19 (d) Counts 27-36. Violation of the Nine Power  
20 Treaty in Manchuria and China.

21 (e) Count 48. As KOISO was Governor General  
22 of Korea on 18 June 1944, he is chargeable only in this  
23 count for acts of his co-conspirators.

24 LL-57. a. T. 22751-6.

25 b. T. 32232-3; 32439-41; and by KITANO, T. 32511-13.

1 (f) Counts 49-50. As KOISO was Premier on  
2 8 August 1944, he is chargeable only as a participant  
3 in the group perpetrating the crimes alleged.

4 (g) Count 51. As KOISO was Minister of Over-  
5 seas Affairs in the summer of 1939, he is guilty only  
6 as a participant in the group perpetrating the crimes  
7 alleged.

8 (h) Counts 54-55. As to treatment of POW,  
9 KOISO is chargeable as an accomplice in the execution  
10 of the plans to violate international law.

11 Brigadier Nolan, with the permission of the  
12 Court, will proceed with the summation against MATSUI.  
13  
14  
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20  
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22  
23  
24  
25



THE PRESIDENT: Brigadier Nolan.

BRIGADIER NOLAN: May it please the Tribunal:  
MATSUI, Iwane.

Introduction.

MM-1. The purpose of this summary is to present to the Tribunal an analysis of the evidence introduced by the prosecution and by the defense with respect to the defendant MATSUI and an argument based thereon. The analysis of the evidence will be found in Part I and the statements at the beginning of each numbered paragraph are the salient facts which the prosecution contends have been established by the evidence. The argument based upon the analysis of the evidence will be found in Part 2.

MM-2. The defendant MATSUI is charged under counts No. 1-17, 19, 25-32, 34, 35, 36, 44, 45, 46, 47, 51, 52, 53, 54, 55 of the Indictment.

Part One. Analysis of the Evidence Introduced by the Prosecution and by the Defense.

MM-3. The defendant MATSUI was appointed commander of the Shanghai Expeditionary Force on 18 August 1937,<sup>a.</sup> and was appointed commander of the Central China Expeditionary Force on 30 October 1937.<sup>b.</sup> The Central China Expeditionary Force was composed of two armies --

(MM-3. a. Ex. 115, T. 736.  
b. Ex. 115, T. 736.)

1 one commanded by Prince ASAKA and the other by Lt.  
2 General YANAGAWA.  
3 c.

4 I. The "Ladybird" Incident.

5 MM-4. In his interrogation HASHIMOTO states: a.  
6 "I shelled the Ladybird and took it into custody. The  
7 commanding officer of the Ladybird told me he was  
8 going to the assistance of the Panay because he had  
9 gotten word that the Panay was in trouble. She was  
10 under order from Lt. General YANAGAWA. These orders  
11 read as follows: 'Nanking being in a state of siege,  
12 and it appearing that enemy troops would attempt to  
13 flee upstream, Colonel HASHIMOTO is to sink all vessels  
14 proceeding towards Nanking without regard to nationality.  
15 I think these orders were issued two days before the  
16 fall of Nanking."

17 "The Inevitability of Renovation" by HASHI-  
18 MOTO: b. "Two days before the fall of Nanking we  
19 unexpectedly received an order to attack all the Chinese  
20 soldiers retreating from Nanking towards the north on  
21 board transport ships. Several ships which seemed to  
22 be transports full of defeated soldiers came in sight  
23 several thousand metres downstream from Wu Hu and we  
24 opened fire at them. I heard that a British warship

25 (MM-3. c. Ex. 255, T. 3557.

MM-4. a. Ex. 258, T. 3466-7.

b. Ex. 264, T. 3532-3.)

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21 board transport ships. Several ships which seemed to  
22 be transports full of defeated soldiers came in sight  
23 several thousand metres downstream from Wu Hu and we  
24 opened fire at them. I heard that a British warship

25 (MM-3. c. Ex. 255, T. 3557.  
MM-4. a. Ex. 258, T. 3466-7.  
b. Ex. 264, T. 3532-3.)



1 happened to be in the group and was hit by some of our  
2 shells, and that it became a problem later on, but as  
3 for the Imperial Army we only carried out the proper  
4 measures. At that time even British warships could  
5 not pass off Wuhu without being fired at."

6 On cross-examination, MATSUI stated that he  
7 took full responsibility without hesitation for the  
8 Ladybird Incident. In his evidence in chief, he stated  
9 that he ordered his Chief of Staff to investigate im-  
10 mediately and ordered the Commander of 10th Army to  
11 apologize to the British Naval Commander-in-Chief and  
12 he apologized to Admiral Little of the Royal Navy.<sup>c.</sup>

13 MM-5. The Panay Incident was on 12 December  
14 1937. After the Panay had been abandoned two of the  
15 crew returned in one of the ship's boats to obtain stores  
16 and medical supplies. While they were returning to the  
17 beach a Japanese power boat filled with armed Japanese  
18 approached close to the Panay, opened fire with a  
19 machine gun, went alongside, boarded and left within  
20 five minutes. Report by U.S. on the Incident.<sup>a.</sup> In  
21 his affidavit MATSUI states that he had nothing to do  
22 with the "Panay" Incident.<sup>b.</sup> On cross-examination he  
23 stated that as he was directing joint army-navy  
24

25 (MM-4. c. T. 33,908.

MM-5. a. Ex. 263, T. 3,525.

b. T. 33,834.)

1 operations he felt that although it was not his direct  
 2 responsibility, it was in accordance with Bushido to  
 3 express at least a word of regret to Admiral Yarnell  
 4 of the U.S..Navy.<sup>c.</sup>

5 II. The Defendant MATSUI Issued a Proclamation  
 6 Before the Fall of the City which was Distributed Widely  
 7 by Airplane.

8 MM-6. The prosecution witness, Dr. M. S. Bates,  
 9 states that<sup>a.</sup> MATSUI's proclamation made before the fall  
 10 and distributed widely by airplane declared that the  
 11 Japanese Army had only goodwill for peaceful citizens  
 12 of China and would do no harm to those who did not  
 13 resist the Imperial Army.

14 On 8 October 1937, MATSUI issued a statement in  
 15 which he said that the devil-defying sharp bayonets were  
 16 just on the point of being unsheathed so as to develop  
 17 their divine influence, and that the mission of the  
 18 army was to chastise the Nanking Government and the out-  
 19 rageous Chinese.<sup>b.</sup> Before he left Tokyo to take up his  
 20 command he did have thoughts of pushing on to Nanking  
 21 after the capture of Shanghai.<sup>c.</sup> He asked for five  
 22 divisions in the Shanghai Expeditionary Force before  
 23 leaving Tokyo.<sup>d.</sup>

25 (MM-5. c. T. 33,909.

MM-6. a. T. 2,632.

b. Ex. 3411, T. 32,764. c. T. 33,843.

d. T. 33,839.)

1 On cross-examination MATSUI stated that before  
 2 the capture of Nanking he issued an order to the  
 3 effect that as Nanking is the capital of China the cap-  
 4 ture of it is an international event. Careful studies  
 5 must be made in this regard so as to dazzle China even  
 6 more greatly with Japan's military glory.<sup>e.</sup>

7 The defense witness NAKAYAMA, an intelligence  
 8 officer on the staff of the Central China Area Army,  
 9 states<sup>f.</sup> that MATSUI's order issued before the fall of  
 10 Nanking provided that all troops must refrain from  
 11 doing illegal acts and that a great number of military  
 12 police as well as assistant military police should be  
 13 made to enter the city at the same time as the troops  
 14 in order to prevent all unlawful acts.<sup>g.</sup>

15 III. The Troops that Entered Nanking from  
 16 13 to 16 December were all Experienced Troops Officered  
 17 by Experienced Men.

18 MM-7. Interrogation of MATSUI.<sup>a.</sup>

19 "The troops that entered Nanking and were  
 20 there on 13, 14, 15, 16 December were all experienced  
 21 troops officered by experienced men. I had never com-  
 22 manded these troops before. I had not heard of these

23 (MM-6. e. T. 33,863.

24 f. T. 21,896.

25 g. T. 21,896-7.

MM-7. a. Ex. 257, T. 3,460-1.)



1 troops behaving badly elsewhere in China or Manchuria.  
2 The army was a newly-formed organization sent from  
3 Japan but it was composed of many experienced veterans.  
4 One division came down from the Peiping and Tientsin  
5 area. Prince ASAKA had joined the army only about ten  
6 days before its entry into Nanking and in view of the  
7 short time he was connected with this army I do not  
8 think he can be held responsible. I would say that  
9 the divisional commanders were the responsible parties."

10 The witness HILAKA, counselor in the Japanese  
11 Embassy at Shanghai giving evidence for the defense  
12 states <sup>b.</sup> that MATSUI told him that he intended to stop  
13 the forces outside of the city wall and induce the  
14 Chinese commander to surrender and that he would dis-  
15 patch only highly-disciplined crack troops into the  
16 city. <sup>c.</sup>

17 IV. There Was No Resistance in the City on  
18 the Part of the Chinese.

19 MM-8. Dr. M. S. Bates of Nanking University  
20 states that there was no resistance of any kind within  
21 the city. <sup>a.</sup>  
22

23 The witness Hsu Chuan-ying employed in the  
24 Ministry of Railways at Nanking states that there was

25 (MM-7. b. Ex. 2537, T. 21,445.

c. T. 21,447.

MM-8. a. T. 2,628.)

no resistance by Chinese troops in Nanking on 13 December 1937 and on that day all Chinese soldiers left the city.<sup>b.</sup>

John G. Magee, Episcopal minister at Nanking, states that after 13 December there was no resistance on the part of Chinese Forces in Nanking.<sup>c.</sup>

V. The Defendant MATSUI Entered the City on 17 December.

MM-9. (a) On 17 December a Military Review was held. (b) On 18 December a Memorial Service was held.<sup>a.</sup>

In his interrogation MATSUI states that the bodies of dead civilians, women or children had all been removed by the time he went into Nanking, but he saw a few dead Chinese soldiers near the West Gate.<sup>b.</sup>

The witness OKADA, a lecturer in a Shanghai school, states that MATSUI went to see the refugees in the neighborhood and asked them about the dangers that they had undergone during the fighting and comforted them.<sup>c.</sup> On cross-examination, MATSUI states he was not in the refugee zone. He met a couple of refugees and talked with them in a temple on top of a mountain.<sup>d.</sup>

(MM-8. b. T. 2,558.

c. T. 3,894.

MM-9. a. Ex. 262, T. 3,510.

b. Ex. 257, T. 3,461.

c. T. 32,749.

d. T. 33,861.)

VI. On 18 December the Defendant MATSUI  
1 Issued a Press Release.

2 MM-10. Press release by General MATSUI,  
3 18 December 1937, reads in part as follows: a.

4 "A religious ceremony for the war dead 18 Dec-  
5 ember. The triumphal entry was on 17 December. The  
6 army having become considerably exhausted it is neces-  
7 sary for troops in general to take a little rest because  
8 the army has been engaged in unremitting landing opera-  
9 tions for four months. I preferably must express my  
10 deep sympathy for the enormous loss the troops and  
11 inhabitants suffered from the war."  
12

13 The instructions of MATSUI issued on 18 Decem-  
14 ber stated that all officers and men should enforce  
15 stricter discipline and that everyone should be cautious  
16 with regard to his conduct. b.

17 VII. The Defendant MATSUI Left Nanking One  
18 Week after His Entry on 17th December.

19 MM-11. In his interrogation MATSUI states: a.

20 "I entered Nanking on 17 December and after  
21 one week I returned to Shanghai. I met and discussed  
22 with U.S. and British commanders, also the Italian and  
23 French ambassadors with a view to settling things in a  
24 peaceful way. I did not talk to any foreign diplomats  
25

(MM-10. a. Ex. 262, T. 3,510-1.  
b. Ex. 3,397, T. 32,617-8.  
MM-11. a. Ex. 257, T. 3,459.)



at Nanking."

VIII. Atrocities at Nanking.

(a) Killing.

(1) Civilians.

MM-12. Dr. Robert O. Wilson,<sup>a.</sup> a surgeon at the University Hospital in Nanking from January 1936 to August 1940 describes the bayonet and bullet wounds of patients brought to the hospital and that within a very few days after 13 December the hospital filled up rapidly with many, many cases of injury to men, women and children of all ages.<sup>b.</sup> Large groups of men were taken to the river bank of the Yangtze River and shot, their bodies being pushed into the river. Another large group were taken outside the city wall, machine-gunned and the wounded then bayoneted.<sup>c.</sup>

MM-13. The witness Shang Teh Yi was arrested<sup>a.</sup> in the refugee zone and states that more than 1,000 male civilians were bound together and removed to the bank of the Yangtze River where they were ordered to sit down and were machine-gunned.

MM-14. The defense witness HILAKA states that many Chinese soldiers entered the safety zone disguised as civilians.<sup>a.</sup>

(MM-12. a. T. 2530. c. T. 2536.  
b. T. 2533.  
MM-13. a. T. 2600.  
MM-14. a. T. 21,460.)

a.

MM-15. G. A. Fitch, Y.M.C.A. worker, says  
1 that on 15 December he saw approximately 1300 men all  
2 in civilian clothes taken from one of the camps, lined  
3 up, roped together and marched off to be shot.

MM-16. The witness Hsu Chuan-ying, employee  
4 of Ministry of Railways, states<sup>a.</sup> that on the third day  
5 witness drove around the city, on one street tried to  
6 count the number of corpses lying on both sides of the  
7 street and counted more than 500 and said it was no  
8 use counting. Not a single corpse was in uniform; they  
9 were all civilians, both young and old, including  
10 women and children. The Japanese took 1500 civilians  
11 out of the safety zone. These people were machine-  
12 gunned and their bodies pushed into the pond.

MM-17. Dr. M. S. Bates of Nanking University  
15 states that<sup>a.</sup> hundreds of cases were reported to Japanese  
16 officials. He saw a whole series of shootings of  
17 individual civilians without any provocation or apparent  
18 reason whatsoever. Within his own knowledge 12,000  
19 civilians, men, women and children, were killed inside  
20 the walls. The bodies of civilians lay on the streets  
21 and alleys in the vicinity of his own house for many  
22 days after the Japanese entry.

23 (MM-15. a. T. 4,460.  
24 MM-16. a. T. 2,563-7.  
25 MM-17. a. T. 2,626-30.)

1 MM-18. Witness Captain Liang Ting-Fang was  
2 in Medical Corps at capture of Nanking. He estimates  
3 that about 5,000 men from refugee camp were taken to  
4 the river, lined up and machine-gunned. Shooting lasted  
5 from seven o'clock to two o'clock and was witnessed by  
6 800 Japanese including officers, some of whom were in  
7 a.  
8 sedan automobiles.

9 MM-19. John G. Nagee, Episcopal minister at  
10 Nanking, says that a.  
11 after 13 December the conduct of  
12 Japanese troops towards Chinese civilian men was  
13 unbelievably terrible. The killing began by individual  
14 soldiers or groups up to 30, each one seeming to have  
15 the power of life or death. Soon there was organized  
16 killing of great bodies of men. Soon there were bodies  
17 of men lying everywhere and he passed columns of men  
18 being taken out to be killed. These people were being  
19 killed by rifle fire and machine gun principally. Also  
20 they knew of groups of several hundreds being bayoneted  
21 to death. On December 14 or 15, he passed two long  
22 columns of Chinese all tied up with their hands in front  
23 of them, four by four. There may have been 1,000 to  
24 b.  
25 3,000 men in these two columns. About 1,000 men were  
marched to the bank of the Yangtze River and there mowed

(MM-18. a. T. 3,370-1.

MM-19. a. T. 3,894.

b. T. 3,898.)



down with cross-fire machine guns.<sup>e.</sup> On 18 December  
 he went with Vice-Consul TANAKA of the Embassy to put  
 up notices to protect property. He turned into an  
 alley to take a short cut but soon ran into so many  
 bodies that the car had to back out of the alley; they  
 couldn't possibly get through without driving over so  
 many bodies.<sup>d.</sup> He saw 300-500 Chinese dead by the  
 river side. The clothing was burned off these bodies  
 and many of them were charred.<sup>e.</sup> On 21 December he saw  
 many bodies lying by the side of the road.<sup>f.</sup>

MM-20. Sun Yuen Chang, a rice merchant in  
 Nanking, states that<sup>a.</sup> 10,000 people were lined up on  
 the bank of the river and were machine-gunned.

THE PRESIDENT: Brigadier, we will adjourn  
 until half-past one.

(Whereupon, at 1200, a recess was  
 taken.)

- - -

(MM-19. c. T. 3,898.  
 d. T. 3,901.  
 e. T. 3,901.  
 f. T. 3,902.  
 MM-20. a. T. 4,484.)

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## AFTERNOON SESSION

1  
2 The Tribunal met, pursuant to recess, at  
3 1330.

4 MARSHAL OF THE COURT: The International  
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: With the Tribunal's permission  
7 the accused KAYA will be absent from the courtroom for  
8 the whole of the afternoon session conferring with his  
9 counsel.  
10

11 Brigadier Nolan.

12 BRIGADIER NOLAN: May it please the Tribunal,  
13 at page 11:

14 MM-21. The defense witness OSUGI, a lieutenant  
15 in the 3rd Division, stated that when he entered Nanking  
16 on the evening of 13th December there were many  
17 scattered dead bodies of both Japanese and Chinese<sup>a.</sup>  
18 and that the soldiers were ordered not to enter the  
19 refugee quarters.<sup>b.</sup>

20 MM-22. The defense witness NAKAYAMA states  
21 that all armed resistance ceased on the morning of 13th  
22 December<sup>a.</sup> and that he never saw any dead civilians  
23 within or without the walls of the city.<sup>b.</sup>  
24

25 MM-21. a. T. 32,590  
" b. T. 32,591  
MM-22. a. T. 21,918  
" b. T. 21,922

(2) Policemen.

1 MM-23. The witness Wu Chang Tch, a policeman  
 2 in Nanking, states that <sup>a.</sup> he together with 300 other  
 3 policemen and many civilians were marched to the main  
 4 west gate of the city. As they went through the gate  
 5 they were machine-gunned and about 16 groups, each  
 6 containing over 100 persons, were killed. Gasoline  
 7 was thrown on some of the bodies and set afire.

(3) Electric Light Company Employees.

9 MM-24. The Diary of James McCallum discloses  
 10 that <sup>a.</sup> on 8 January 1938, 43 employees of the Electric  
 11 Light Company were lined up and machine gunned.  
 12

(4) Prisoners of war.

13 MM-25. Dr. M. S. Bates, Professor of History  
 14 at Nanking University states that <sup>a.</sup> more than 30,000  
 15 soldiers who had surrendered and laid down their arms  
 16 were cut down by machine-gun fire within the first  
 17 72 hours immediately outside the walls of the city.  
 18 Laborers were hired by the International Committee to  
 19 bury them.  
 20

(5) The Burials.

21 MM-26. The attention of the Tribunal is  
 22 drawn to a chart showing the number of victims buried  
 23

24 MM-23. a. T. 2,604-5 MM-24. a. Ex. 309, T. 4477  
 25 MM-25. a. T. 2630-1



and the places where their bodies were found.<sup>a.</sup>

The totals are:

Tsung Shan-Tang Teams	112,266
Red Swastika Society	<u>43,071</u>
	155,071

Also to a statement of Lu Su in which he states  
that<sup>b.</sup> 57,418 internees were frozen, starved or killed,  
and to a report on War Crimes at Nanking prepared by  
the Procurator of the District Court. The number of  
victims killed totalled 278,586.<sup>c.</sup>

(b) Rape

MM-27. Dr. M. S. Bates of Nanking University  
states that<sup>a.</sup> one month after the occupation Mr.  
Raabe, Chairman of the International Committee, reported  
to German authorities he believed that not less than  
20,000 cases of rape had occurred. A witness on the  
basis of safety zone reports alone estimates some  
8,000 cases. Every day and every night gangs of  
soldiers went through the city, chiefly in the safety  
zone seeking women. A Chinese woman was raped by  
17 Japanese soldiers.

The documents of the Nanking Safety Zone

MM-26.	a. Ex. 324, T. 4537	b. Ex. 324, T. 4538
	c. Ex. 327, T. 4547	
MM-27.	a. T. 2634	

dated 2 February 1938<sup>b.</sup> report 75 cases of rape, 4 cases of murder and 13 cases of robbery, all reported to have occurred during the last week in January, 1938.

MM-28. John G. Magee, an Episcopal Minister at Nanking, says that<sup>a.</sup> on 3rd January Japanese tried to force us to send the women back home from our safety zone. We advised the older women to go home to make a showing of compliance. Rapings began again with the women who went back. The rapings continued day by day after the occupation. Men, women and even children were killed. If a woman resisted or refused she was either killed or stabbed. If the husband of the woman tried to help he was killed.<sup>b.</sup> On 20 December he saw a Japanese soldier in the act of rape.<sup>c.</sup> Two girls were raped on New Year's Day.<sup>d.</sup> On February 1st, 1938, he saw two soldiers raping a 15-year old girl. Reported to a sentry who only laughed.<sup>e.</sup>

MM-29. The defense witness NAKAYAMA believes that there were several cases of rape and assault against women to a limited extent.<sup>a.</sup>

MM-27.	b. Ex. 323, T. 4536
MM-28.	a. T. 3,909
"	b. T. 3,904
"	c. T. 3,906
"	d. T. 3,907
"	e. T. 3,916
MM-29.	a. T. 21,944

MM-30. The defense witness NAKASAWA, a  
 1 colonel and Chief-of-Staff of the 16th Division saw  
 2 some traces of fire when he first entered and received  
 3 reports from the M. P.'s of a few instances of plunder  
 4 committed by Japanese troops.<sup>a.</sup> These were scattered  
 5 offenses concerning discipline which were for instance  
 6 attempts to enter the refugee areas; attempts to  
 7 cohabit with Chinese women and things of that nature.<sup>b.</sup>  
 8 There were some actual cases of rape but few in number.

MM-31. The defense witness IINUMA, Major-  
 10 General and Chief-of-Staff stated that after the entry  
 11 into Nanking there were a few cases of plunder and  
 12 outrage reported to MATSUI<sup>a.</sup> and the offenders were  
 13 punished. There were "rough actions" such as beating  
 14 or kicking the inhabitants and burning furniture.<sup>b.</sup>  
 15 There were small fires.<sup>c.</sup> He heard of cases of rape  
 16 after his headquarters moved into Nanking after the  
 17 25th or 26th December.<sup>d.</sup>

19 (c) Looting.

20 MM-32. The German Foreign Office in China  
 21 Reports state that<sup>a.</sup> there was no store in the city  
 22 which had not been broken into or looted.

23 MM-30. a. T. 32,626 b. T. 32,641  
 24 MM-31. a. T. 32,651 b. T. 32,673  
 c. T. 32,651 d. T. 32,656  
 25 MM-32. a. Ex. 329, T. 4,594



The correspondence from the American  
 Embassy, Nanking says that <sup>b.</sup> it was believed that  
 there was scarcely a single piece of property in  
 Nanking that had escaped entry and looting by the  
 Japanese Military.

Dr. M. S. Bates of Nanking University states  
 that <sup>c.</sup> in some cases looting was well organized and  
 systematic using of fleets of army trucks under the  
 direction of officers. Vaults in banks cut open with  
 acetylene torches. He saw a supply column two-thirds  
 of a mile long loaded with furniture. Practically all  
 commercial property of any noticeable value was taken.

John G. Magee, an Episcopal Minister at  
 Nanking, states that <sup>d.</sup> the Japanese took from the  
 people anything that struck their fancy; wrist watches,  
 fountain pens, money, clothing and food.

(d) Burning.

MM-33. The German Foreign Office in China  
 reports state that <sup>a.</sup> approximately one-third of the  
 City was destroyed by fire through Japanese.

Dr. M. S. Bates of Nanking University states  
 that <sup>b.</sup> beginning on 19th or 20th December burning was  
 carried on regularly for six weeks. Sometimes gasoline

MM-32. b. Ex. 328, T. 4,575

" c. T. 2,635-6

" d. T. 3,920

MM-33. a. Ex. 329, t. 4,592 b. T. 2,636-7

was used but more commonly chemical stripe. Private  
 1 property was seized to supply incoming Japanese  
 2 residents. The Russian Embassy was burned.  
 3 The YMCA building, two important churches and two  
 4 chief German commercial properties.

5 John G. Magee, an Episcopal Minister  
 6 at Nanking, states that <sup>c.</sup> on 21 December practically  
 7 all the foreigners in the city signed a petition and  
 8 took their petition to the Japanese Embassy to beseech  
 9 them in the name of humanity to stop the senseless  
 10 burnings of the homes of the people.

## IX

12  
 13 There were atrocities in the district surround-  
 14 ing Nanking.

15 MM-34. The correspondence of the American  
 16 Embassy, Nanking, <sup>a.</sup> contains a communication from Wu  
 17 to the Consul General at Shanghai describing the murder  
 18 of Chinese and looting and states that American and  
 19 British flags were pulled down.

20 John G. Magee, Episcopal Minister at Nanking,  
 21 says that <sup>b.</sup> everywhere in the surrounding villages  
 22 the same kind of things were happening that were happening  
 23 in Nanking.

24 MM-33. c. T. 3,921  
 25 MM-34. a. Ex. 328, T. 4555  
 " b. T. 3,920

A Summary Report on War Crimes in Nanking  
 prepared by the Procurator of the District Court  
 discloses that<sup>c.</sup> 50,000 to 60,000 persons captured  
 in vicinity of Mo-Fu-Shan including young and old  
 men and women were machine-gunned and bayoneted.

MATSUI states in his affidavit that there  
 were comparatively few fires in Nanking, the number  
 of houses destroyed being approximately<sup>d.</sup> 50 or 60.

X.

Opium was sold openly after the fall of  
 Nanking.

MM-35. Witness Dr. R. O. Wilson of University  
 Hospital, Nanking, gave evidence that<sup>a.</sup> prior to  
 occupation he had never seen an opium den with a sign  
 on the outside showing the sale of opium was going on.  
 One year of the occupation, in spring of 1937, he  
 counted 21 opium dens openly selling opium in the  
 space of about one mile.

Dr. M. S. Bates of Nanking University  
 testified that<sup>b.</sup> there was no open and notorious sale  
 or use of opium for some 10 years before the Incident  
 of 1937 and that opium was used in back rooms chiefly  
 by older men of the gentry and merchant type.

MM-34. c. Ex. 327, T. 4,542 d. T. 33,823  
 MM-35. a. T. 2, 547  
 " b. T. 2,650



1 The witness Hsu Chuan-ying of Ministry of  
 2 Railway stated that <sup>c.</sup> opium was publicly open for  
 3 sale after December 1937.

4 XI.

5 The Army was out of control and there was a  
 6 lack of Discipline.

7 MM-36. In his interrogation MATSUI admits <sup>a.</sup>  
 8 that there were some lawless elements in the Army. He  
 9 says in part:

10 "I draw a distinction between the obeying  
 11 of orders by a soldier in the process of operations  
 12 and what the soldier does off duty. The officers  
 13 commanding the troops in Nanking had the duty of  
 14 overseeing the behavior of their soldiers both off  
 15 duty and on duty. I base the statement that the  
 16 behavior of the soldiers was bad on account of their  
 17 behavior towards the Chinese population and their acts  
 18 generally. I consider that the discipline of the  
 19 troops who captured Nanking was excellent but the  
 20 conduct and behavior was not."

21 MM-37. The German Foreign Office in China  
 22 reported that <sup>a.</sup> on 14th December the Japanese troops  
 23 which were insufficiently provided for due to the  
 24

25 MM-35. c. T. 2,582  
 MM-36. a. Ex. 257, T. 3,458  
 MM-37. a. Ex. 329, T. 4,599

1 fast advance were let loose on the city and acted in  
2 a manner which was indescribable for regular troops.

3 Reports dated 14 January 1938 from the  
4 German Foreign Office in China to the Foreign Office  
5 in Berlin relative to situation in Nanking following  
6 the fall of that city state that <sup>b.</sup> the Japanese  
7 military authorities apparently lost authority and  
8 their troops, who for weeks plundered the city after  
9 its capture, violated 20,000 women and girls, slayed  
10 thousands of innocent civilians (among them 43 workers  
11 of the power plant) in a brutal manner, mass murder  
12 by machine-gun fire being among the humanitarian methods  
13 of execution.

14 The German Foreign Office in China Reports  
15 express the view that <sup>c.</sup> the fateful days of Nanking  
16 have clearly shown two facts:

17 (1) The failure of the control of the defense  
18 of the fort of Nanking.

19 (2) The lack of discipline, atrocities, and  
20 criminal acts, not of an individual but of an entire  
21 army, namely the Japanese.

22 MM-38. The correspondence of the American  
23 Embassy, Nanking, discloses that <sup>a.</sup> American officials

24 MM-37. b. Ex. 329, T. 4, 592 c. Ex. 329, T. 4, 604  
25 MM-38. a. Ex. 328, T. 4, 561

1 called on 14 American residents on 6 January who were  
2 asked what they particularly desired to be brought  
3 to the attention of the Japanese authorities regarding  
4 conditions at Nanking. Their reply was: "To have  
5 the Japanese authorities set their soldiers under  
6 control and put an end to the horrors and atrocities  
7 now occurring."

8 The same exhibit discloses that the Japanese  
9 soldiers swarmed over the city <sup>b.</sup> in thousands and  
10 committed untold depredation and atrocities. It  
11 would seem, the exhibit states, according to stories  
12 told us by foreign witnesses, that the soldiers were  
13 let loose like a barbarian horde to desecrate the  
14 city. Men, women and children in uncounted numbers  
15 throughout the city were killed.

16 MM-39. Dr. M. S. Bates of Nanking University  
17 says that <sup>a.</sup> three days after entry small posters  
18 or proclamations were secured from high officers of  
19 the gendarmerie to be put up at the entrance to foreign  
20 property ordering all soldiers to keep away. Not only  
21 did the soldiers daily disregard these proclamations  
22 but they also frequently tore them down.

23 MM-40. The defense witness SAKAKIBARA, a  
24

25 MM-38. b. T. 4,572  
MM-39. a. T. 2,644



1 staff officer, states that he directed in many places,  
2 by means of his autographed notice boards, safeguard  
3 of the inhabitants and prohibition of looting in many  
4 other places.<sup>a.</sup>

5 MM-41. The Diary of James McCallum<sup>a.</sup>  
6 contains the following entries: "19th December. The  
7 whole Japanese Army seems to be free to go and come  
8 and do anything it pleases." "29th December. The  
9 people, helpless and unarmed have been at the mercy  
10 of the soldiers who have been permitted to roam about  
11 at will wherever they pleased. There is no discipline  
12 whatever and many are drunk. By day they go into the  
13 buildings in our safety zone centres, looking for  
14 desirable women, then at night they return to get them."

15  
16  
17  
18  
19  
20  
21  
22  
23 MM-40. a. T. 32,683  
24 MM-41. a. Ex. 309, T. 4,468-70  
25

MM-42. John G. Magee, Episcopal Minister at  
 a.  
 says that the Japanese soldiers paid

no attention to their own consular notices  
 about foreign property or to American Embassy notices  
 4 about foreign property. On 21 December TANAKA told Magee  
 5 that b. the bad division then in Nanking would be  
 6 changed for a better one and he thought by 24 December  
 7 everything would be settled. After that there was no  
 8 apparent betterment.

9 MM-43. George A. Fitch, YMCA worker, says that a.  
 10 19 December was a day of complete anarchy. The military  
 11 had no control over the soldiers. On 20 December  
 12 vandalism and violence continued unchecked. The most  
 13 important shopping street was in flames. He counted 14  
 14 fires from his window, and saw many Japanese army trucks  
 15 loaded with loot which they were taking from the shops  
 16 before setting fire to them.

17 MM-44. In his affidavit MATSUI states that not  
 18 a few of the crimes in Nanking were committed by Chinese  
 19 troops and people when Nanking fell. a. But in answer to  
 20 the Acting President he stated that NAKAYAMA and HIDAKA  
 21 did not report any specific facts in regard to outrages  
 22 committed by Chinese soldiers. They only conveyed to him  
 23 general rumours in regard to those cases. b.

24 (MM-42. a. T. 3920. MM-43. a. T. 4462.  
 25 b. T. 3904. MM-44. a. T. 33822.  
 b. T. 33917.)

MM-42. John G. Magee, Episcopal Minister at

1 Nanking, says that <sup>a.</sup> the Japanese soldiers paid  
2 absolutely no attention to their own consular notices  
3 about foreign property or to American Embassy notices  
4 about foreign property. On 21 December TANAKA told Magee  
5 that <sup>b.</sup> the bad division then in Nanking would be  
6 changed for a better one and he thought by 24 December  
7 everything would be settled. After that there was no  
8 apparent betterment.

MM-43. George A. Fitch, YMCA worker, says that <sup>a.</sup>

10 19 December was a day of complete anarchy. The military  
11 had no control over the soldiers. On 20 December  
12 vandalism and violence continued unchecked. The most  
13 important shopping street was in flames. He counted 14  
14 fires from his window, and saw many Japanese army trucks  
15 loaded with loot which they were taking from the shops  
16 before setting fire to them.

18 MM-44. In his affidavit MATSUI states that not  
19 a few of the crimes in Nanking were committed by Chinese  
20 troops and people when Nanking fell. <sup>a.</sup> But in answer to  
21 the Acting President he stated that NAKAYAMA and HIDAKA  
22 did not report any specific facts in regard to outrages  
23 committed by Chinese soldiers. They only conveyed to him  
24 general rumours in regard to those cases. <sup>b.</sup>

25 (MM-42. a. T. 3920. MM-43. a. T. 4462.  
b. T. 3904. MM-44. a. T. 33822.  
b. T. 33917.)





## XIII.

1           Complaints were made to Japanese Embassy  
2 Officials at Nanking and Forwarded to the Foreign Office  
3 in Tokyo.  
4

5           MM-46. The witness Hsu Chuan-ying, an employee<sup>a.</sup>  
6 in the Ministry of Railways, at Nanking, said that  
7 complaints were made to the Japanese Embassy and to the  
8 Commander-in-Chief's office but not a single proclamation  
9 was made prohibiting raping, looting, and killing.  
10

11           MM-47. John G. Magee stated, "Almost daily  
12 reports were made to the Embassy and many of us went in  
13 person as I did myself many times to the Japanese Em-  
bassy to tell of individual cases of outrage."  
14

15           MM-48. Dr. M. S. Bates told the Tribunal<sup>a.</sup>  
16 that almost daily for the first three weeks he went to  
17 the Embassy with a typed report or letter covering the  
18 preceding day and frequently had a conversation regard-  
19 ing it with the officials, FUKUI, Consul, TANAKA, Vice-  
20 Consul, and FUKUDA. These men were trying to do what  
21 little they could but were terrified of the military,  
22 and they could do nothing except forward these communi-  
23 cations through Shanghai to Tokyo.

24           MM-49. The witness ITO, Minister at large in

25 (MM-46. a. T. 2594.  
MM-47. a. T. 3922.  
MM-48. a. T. 2638.)

a.  
China, stated that he was in charge of negotiations  
1 with the diplomatic corps and members of the press at  
2 Shanghai and also was in charge of information. He  
3 says: "I received reports from members of the diplo-  
4 matic corps and from press men that the Japanese Army  
5 at Nanking had committed various atrocities at the time.  
6 I did not seek to verify these reports. I did report a  
7 general resume of what I had heard from diplomats and  
8 from press men. All my reports were sent to the Foreign  
9 Office."  
10

11 MM-50. Dr. L. S. C. Smythe, Professor of  
12 Sociology, Nanking University, since October, 1928, was  
13 in Nanking continuously from September, 1935, to July,  
14 1938, and was Secretary of the Committee. The Committee  
15 filed<sup>a.</sup> nearly two protests every day for the first six  
16 weeks of the Japanese occupation. There were daily  
17 conferences at the Japanese Embassy. The Embassy at no  
18 time denied the accuracy of the reports. They continu-  
19 ally promised they would do something about it, but it  
20 was February, 1938, before any effective action was taken  
21 to correct the situation.  
22

23 MM-51. The witness NAKAYAMA states that  
24 reports made by foreign residents were submitted to the  
25 Consul General and thinks that such matters were reported

(MM-49. a. T. 3505-6.  
MM-50. a. T. 4456-8.)



1 to the Special Service Department of the Shanghai Ex-  
2 peditionary Force.<sup>a.</sup> Unfortunately such reports were  
3 not made to the Central China Area Army. It was the  
4 duty of the Staff Department of the Shanghai Expedition-  
5 ary Force to transmit those reports.<sup>b.</sup> The witness  
6 reported to MUTO complaints of violation of foreign  
7 interests in Nanking.<sup>c.</sup>

8 MM-52. A letter from the American Embassy in  
9 Tokyo to the Embassy, Nanking, encloses a report from  
10 the British Embassy at Nanking which states:<sup>a.</sup> "The  
11 Rev. Boynton of the National Christian Council who  
12 brought me these reports stated that the Japanese Embassy  
13 officials who reached Nanking shortly after the entry of  
14 the Japanese troops were horrified when they saw the  
15 orgy of drunkenness, murder, rape, and robbery which was  
16 going on openly in and around the refugee zone. Failing  
17 to make any impression on the military commander, whose  
18 attitude of callous indifference makes it probable that  
19 the Army was deliberately turned loose on the city as a  
20 punitive measure and despairing of getting cables through  
21 to Tokyo owing to army control, Embassy officials had  
22 even suggested to the missionaries that the latter should  
23 try and get publicity for the facts in Japan so that the  
24

25 (MI-51. a. T. 21927.

b. T. 21929.

c. T. 21934.

MI-52. a. Ex. 328, T. 4558.)

Japanese Government would be forced by public opinion to  
 curb the Army." It is disclosed by the evidence <sup>b.</sup> that  
 up to 10 January, 188 cases were reported.

MM-53. The defense witness HIDAKA states that  
 the reports on wrongs allegedly done by Japanese soldiers  
 were submitted to the Consulate General by foreign  
 residents. Most of these reports were based on hearsay  
 and since the Consul General had not enough time to in-  
 vestigate each of them the reports were sent to the  
 Foreign Ministry in Tokyo and to the Army in Nanking.  
 It seemed that the Foreign Ministry in Tokyo gave notice  
 of these reports to the War Ministry. Whenever reports  
 were submitted from the officials on the spot the  
 authorities in Tokyo called the attention of the Army to  
 them. It was due to this fact that the Army Control  
 Headquarters sometimes gave directives about this to  
 Army officials on the scene. <sup>a.</sup>

IM-54. The defense witness ISHII, Itaro,  
 Director of the Bureau of East Asiatic Affairs, states  
 that following the triumphal entry into Nanking on 13  
 December the Acting Consul General reported from Nanking  
 by telegraph to the Foreign Office regarding the atroc-  
 ities of Japanese troops in Nanking. <sup>a.</sup> This report was

(MM-52. b. T. 4574.  
 MM-53. a. T. 21453.  
 MM-54. a. T. 29970.)

1 transmitted without delay to the Director of the Bureau  
2 of Military Affairs, War Office. At that time, the  
3 Foreign Minister being alarmed and worried about the  
4 matter urged the witness that some step be taken quickly  
5 to suppress such disgraceful deeds.<sup>b.</sup> The witness told  
6 the Foreign Minister that a copy of the telegraphic  
7 report had already been transmitted to the War Office  
8 and that he intended to warn the military authorities at  
9 the coming Liaison Conference of the War Office, the  
10 Ministry of the Navy and the Foreign Office, against such  
11 deeds. At the Liaison Conference one or two days later,  
12 he brought the problem of atrocities to the attention of  
13 the Chief of the First Section, Bureau of Military  
14 Affairs, and demanded that strict measures be taken to  
15 stop them immediately. The military delegate shared his  
16 feelings and acceded to his demand.<sup>c.</sup>

17 The defense witness ISHII further stated that  
18 shortly after a detailed account typewritten in English  
19 drawn up by an International Security Committee consist-  
20 ing of representatives of third powers in Nanking re-  
21 garding atrocities of Japanese troops was received from  
22 the Acting Consul General in Nanking.

23 On the occasion of the following Liaison Con-  
24 ference, the witness showed the report to the Chief of  
25

(MM-54. b. T. 29971.

c. T. 29972.



the First Section of the Bureau of Military Affairs and  
 1 repeated his demand in compliance with the wish of the  
 2 Foreign Minister. The military delegate answered that  
 3 a strict warning had already been given to the Nanking  
 4 Occupation Force.<sup>d.</sup> On cross-examination, the witness  
 5 stated that there were a whole series of such reports  
 6 one of them reporting something over 70 cases of rape<sup>e.</sup>  
 7 and that all reports were made to the Foreign Minister.<sup>f.</sup>

Each time reference was made to the Rape of  
 9 Nanking in the foreign press he received a report from  
 10 the Chief of the Information Bureau and these were cir-  
 11 culated to the Minister, Vice-Minister and all Bureau  
 12 Directors.<sup>g.</sup> He thinks HIROTA took up this question  
 13 with the War Minister once or twice.<sup>h.</sup> The reports were  
 14 accepted at their face value though there were many  
 15 points of duplication.<sup>i.</sup>

#### XIV.

The Military Authorities were aware of the  
 18 Situation.

MM-55. In his interrogation, MATSUI states<sup>a.</sup>  
 21 that almost as soon as he entered the city he heard that  
 22 Europe and America had got the idea that his troops had  
 23 committed many outrages. He heard it from a small

(MM-54. d. T. 29972. e. T. 29977.  
 25 f. T. 29985. g. T. 29988.  
 h. T. 29990. i. T. 29995.)

MM-55. a. Ex. 257, T. 3452.)

1 diplomatic official, the Consul at Nanking.

2 MM-56. The documents of the Nanking Safety a.  
3 Zone dated 16 December contain the following statement:  
4 "We refrained from protesting yesterday because we  
5 thought when the High Commander arrived order in the city  
6 would be restored but last night was even worse than the  
7 night before, so we decided that these matters should be  
8 called to the attention of the Imperial Japanese Army  
9 which we are sure does not approve of said actions by  
10 its soldiers." These reports continue through December  
11 and January.  
12  
13  
14  
15  
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17  
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(MM-56. a. Ex. 323, T. 4508.)

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1 MM-57. In his interrogation, the accused  
2 MUTO, Adjutant to the Chief of Staff of the Central  
3 China Army from November 1937, states<sup>a</sup> that he  
4 returned from Nanking to Shanghai 24 or 25 December.  
5 At the time of the surrender of Nanking, MATSUI was  
6 suffering from tuberculosis and had been in the  
7 rear area. They came to Nanking for the taking-over  
8 ceremonies. He remained ten days. At that time the  
9 town was already cleaned up and it was safe to walk  
10 about alone. He had not heard of the Japanese  
11 soldiers acting up. TSUKADA, Chief of Staff, told  
12 him there were incidents of stealing, assault,  
13 killing and rape. Following that, orders were issued  
14 for all units except security troops to leave the  
15 town. The original order for the taking of Nanking  
16 stated that only picked fine troops were to enter  
17 the town, and the remainder of the troops were to  
18 remain out. However, all of the units entered the  
19 town for which action "MATSUI became mad and bawled  
20 out his subordinates." It was felt that if too many  
21 troops were allowed in Nanking there was due to be  
22 trouble inasmuch as the troops had suffered many  
23 hardships since Shanghai. The men were under pressure  
24  
25

MM-57.

a. Ex. 255, T. 3552-58.



1 for such a long time that it was felt inadvisable  
2 to allow them in town. General MATSUI heard of the  
3 incidents afterward and became quite enraged at the  
4 conduct. He was there when General MATSUI heard of  
5 this and MATSUI became mad and bawled out his sub-  
6 ordinates. The report did not show very many inci-  
7 dents. As soon as it was published orders were  
8 issued to the MPs to suppress such activities and  
9 arrest any participants. The order was issued by  
10 General MATSUI as soon as he heard of the incidents.  
11 As soon as they arrived in Nanking for the ceremonies,  
12 MATSUI received the information and the order was  
13 immediately issued. The MPs normally had the duty.  
14 The order was to more severely enforce the regulations.  
15 The incidents started when Nanking was entered  
16 around the 12th to the 14th. MUTO remembered in a  
17 report that it was reported that Chinese people were  
18 looted, burglarized, and other things such as rape,  
19 etc. were committed by the Japanese Army. Between  
20 10 and 20 incidents were reported. Prince ASAKA  
21 commanded one army and Lieutenant General YANAGAWA,  
22 the other. MUTO can't imagine that there were  
23 thousands of these incidents. He followed General  
24 MATSUI during the formal entrance into the city of  
25 Nanking and at that time there were between 10 to 20

1 incidents reported to him. Also the City of Nanking  
2 was pretty well cleared away and ten days later he  
3 returned to Shanghai. He cannot ever believe or  
4 imagine that there were incidents running into  
5 thousands. His duties were to assist the Chief of  
6 Staff.

7 When giving evidence<sup>b.</sup> on his own behalf,  
8 MUTO stated that after the formal entry at Nanking  
9 on 17 December, General MATSUI heard for the first  
10 time from Chief of Staff TSUKADA that most of the  
11 units had entered the city against the commanders'  
12 orders and that following the entry of the units  
13 plunder and rape cases occurred there. General  
14 MATSUI ordered both commanders to withdraw promptly  
15 out of the city all forces except the strength  
16 necessary to guard Nanking and strictly to maintain  
17 military discipline and morale. MUTO understood that  
18 both commanders executed this order but the withdrawal  
19 was delayed a little because the Chinese were burning  
20 buildings and there was little water to drink.

22 MM-58. In his affidavit MATSUI says that  
23 at the time of the capture of Nanking he was sick in  
24 bed at Soochow 140 miles away and was unaware of any  
25 MM-57.  
b. T. 33089.

1 outrages and received no reports thereof.<sup>a</sup> The  
 2 only thing he heard was a rumor towards the end of  
 3 December 1937 to the effect that there were some  
 4 cases of illegal acts in Nanking, but he had no  
 5 official report about such fact.<sup>b</sup> He did everything  
 6 in his power to prevent occurrences of such unfor-  
 7 tunate incidents and to give severe punishment to  
 8 the guilty.<sup>c</sup>

9 On cross-examination, MATSUI stated that the  
 10 two army commanders kept him in close touch with the  
 11 progress of operations and reported the fall of  
 12 Nanking.<sup>d</sup>

13 In his affidavit MATSUI states that in the  
 14 unsettled condition at the time of the capture of  
 15 Nanking some excited young officers and men may have  
 16 committed unpleasant outrages.<sup>e</sup> These unpleasant  
 17 outrages were rape, looting, forceful seizure of  
 18 materials and murder.<sup>f</sup>

19 MM-59. The defense witness NAKAYAMA, Yasuto,  
 20 an intelligence officer on the staff of the Central  
 21 China Area Army, states,<sup>a</sup> that after the ceremony on

22 MM-58.

MM-59.

- 23  
 24 a. Ex. 3498, T. 33822. a. T. 21902.  
 25 b. Ex. 3498, T. 33824.  
 c. Ex. 3498, T. 33825.  
 d. T. 33850.  
 e. Ex. 3498, T. 33821.  
 f. T. 33849.



1 17 December, MATSUI gathered all participating  
2 officers and ordered them to be more strict in  
3 maintaining military discipline and morale. MATSUI  
4 had received a report from the military police  
5 regarding some crimes connected with military  
6 discipline and morale which were committed by some  
7 troops under his command and unnecessary troops  
8 were ordered to go outside the wall.<sup>b.</sup> MATSUI  
9 received additional reports from commanders and  
10 divisional commanders under his command as well as  
11 from diplomatic organs.<sup>c.</sup>

12 MM-60. In his affidavit MATSUI states that  
13 after entering Nanking on 17 December he heard about  
14 outrages for the first time from the Commander of  
15 the Kempei Unit through his Chief of Staff TSUKADA  
16 and at once ordered every unit to investigate and  
17 punish the guilty men.<sup>a.</sup> On cross-examination he  
18 stated that he heard stories of similar nature from  
19 the Consul in Nanking<sup>b.</sup> but did not mention it in his  
20 affidavit because it was not an official report but  
21 merely in the course of conversation.<sup>c.</sup> This was on  
22 the 18 or 19 December and the Consul told MATSUI

24 MM-59.

25 b. T. 21903.  
c. T. 21925.

MM-60.

a. Ex. 3498, T. 33822.  
b. T. 33850.  
c. T. 33851.

1 that some of the officers and men of the Japanese  
 2 Army who had entered Nanking had committed outrages.<sup>d.</sup>  
 3 He denies that he received reports of outrages from  
 4 the commanders of the two armies immediately after  
 5 the fall of Nanking<sup>e.</sup> as had been stated by the  
 6 witness NAKAYAMA.<sup>f.</sup> His staff officers were receiving  
 7 reports daily from the gendarmerie since the fall of  
 8 Nanking.<sup>g.</sup> The staff officers went to the Kempei Tai  
 9 to get information<sup>h.</sup> and the facts were brought to  
 10 his attention for reference purposes.<sup>i.</sup>

11 MM-61. The defense witness NAKAYAMA, an  
 12 intelligence officer on the Staff of the Central China  
 13 Area Army, states that on 26 or 27 December 1937 he  
 14 conveyed a verbal order of the Chief of the Staff  
 15 of the Shanghai Expeditionary Army saying that it was  
 16 rumored that illegal acts were being committed in  
 17 Nanking by Japanese troops and no such act should be  
 18 done under any circumstances for the honor of the  
 19 Japanese Army. Anyone who would misconduct himself  
 20 would be severely punished.<sup>a.</sup>

22 MM-62. The defense witness HIDAHA, counsellor  
 23 in the Japanese Embassy at Shanghai, states that he

24 MM-60.

25 d. T. 33851.  
 e. T. 33852.  
 f. T. 21925.  
 g. T. 33870.

h. T. 33872.  
 i. T. 33871.

MM-61.

a. T. 21906.

1 met MATSUI in Shanghai on 1 January 1938 when MATSUI  
 2 was sincerely grieved to find for the first time that  
 3 some of his subordinates had done wrong. HIDAKA was  
 4 deeply impressed that MATSUI had not been aware of  
 5 such facts until that time.<sup>a.</sup> MATSUI did not specify  
 6 what wrong was done.<sup>b.</sup>

7 MM-63. On cross-examination MATSUI states  
 8 that he did receive reports made by Staff Officer  
 9 NAKAYAMA and Counsellor HIDAKA about the middle of  
 10 January 1938. They mentioned crimes committed by  
 11 Japanese soldiers but they reported orally and  
 12 MATSUI doesn't remember the contents too well.<sup>a.</sup> It  
 13 was a very difficult thing to investigate and their  
 14 investigation was not exact.<sup>b.</sup> MATSUI assumes that  
 15 HIDAKA based his investigations on reports from  
 16 foreigners in the refugee zone but MATSUI did not hear  
 17 of such reports.<sup>c.</sup> On cross-examination MATSUI stated  
 18 that he did not read any newspaper reports regarding  
 19 illegal acts in Nanking.<sup>d.</sup>

21 XV. The Atrocities Continued for Weeks  
 22 After the Fall of the City.

23 MM-64. The witness Dr. R. O. Wilson of  
 24 University Hospital, Nanking, stated in evidence<sup>a.</sup>

25	<u>MM-62.</u>	<u>MM-63.</u>	<u>MM-64.</u>
	a. T. 21447.	a. T. 33859.	a. T. 2538.
	b. T. 21467.	b. T. 33860.	
		c. T. 33865.	
		d. T. 33867.	



1 that cases continued to come in for a matter of  
2 some six or seven weeks following the fall of the  
3 city on 13 December 1937. The capacity of the  
4 hospital was normally 180 beds and this was kept  
5 full to overflowing during the entire period.

6 The witness Hsu Chuan-ying of the Ministry  
7 of Railways says that<sup>b</sup>. the atrocities were worse for  
8 the first three months and later on it gradually  
9 diminished more or less.

10 John G. Magee, Episcopal Minister at Nanking,  
11 stated that<sup>c</sup>. after about six weeks it began to taper  
12 off although many things happened -- individual  
13 things happened after that.

14 Dr. M. S. Bates of Nanking University  
15 testified that<sup>d</sup>. after February 6th or 7th there was  
16 a noticeable improvement in the situation, and although  
17 many serious cases occurred between then and summer,  
18 they were no longer of a mass or wholesale character.  
19 The terror was intense for two and one-half to three  
20 weeks. It was serious for a total of six or seven  
21 weeks.  
22  
23  
24

25 MM-64.

b. T. 2584.

c. T. 3922.

d. T. 2642-44.

1 XVI. No attempt was made to stop the  
2 atrocities.

3 MM-65. Witness Hsu Chuan-ying, an employee  
4 in the Ministry of Railways, states that<sup>a</sup> the  
5 Japanese authorities did not try to stop the  
6 atrocities. Not a single proclamation, not a single  
7 notice was put on the street to stop all these  
8 atrocities and the raping and looting.

9 MM-66. John G. Magee, Episcopal Minister  
10 at Nanking, testified that<sup>a</sup> when he told the investi-  
11 gator from the Embassy of what he had seen and about  
12 driving the soldiers off from a woman he just began  
13 to laugh. These things would be reported to the  
14 Embassy and they would send a man around who had no  
15 real intention of investigating the case but whose  
16 chief desire was to find out who the informants  
17 were.<sup>b</sup> If there was any real desire to stop this  
18 thing they could have stopped it. If they had shot  
19 25 men the thing could have been stopped,<sup>c</sup> but it  
20 was looked upon entirely too lightly. On one occasion  
21 when Mr. Raabe and a Japanese officer saw a soldier  
22 in the actual act of raping a woman, all the officer  
23

24 MM-65.

25 a. T. 2594.

MM-66.

a. T. 3931.

b. T. 3936.

c. T. 3941.

1 did was to slap the soldier.<sup>d.</sup>

2 MM-67. Dr. M. S. Bates of Nanking University  
3 on 27 December wrote<sup>a.</sup> "Shameful disorder continues  
4 and we see no serious efforts to stop it. The  
5 soldiers every day injure hundreds of persons most  
6 seriously. Does not the Japanese Army care for its  
7 reputation."

8 XVII. The punishments awarded were few  
9 in number and inadequate.

10 MM-68. In his interrogation defendant  
11 MATSUI stated:<sup>a.</sup>

12 "The only notes in my diary concern a court  
13 martial of an officer and perhaps three soldiers in  
14 connection with the rape of Chinese in Nanking. I  
15 think the officer was executed and the soldiers im-  
16 prisoned. This was as a result of my advocating  
17 severe punishment for offenders. I received this  
18 information when I was in Shanghai and put it in my  
19 diary there. All my records were burned including  
20 this diary but I have made a few notes from memory  
21 since which I think will be useful if I come to trial."

22 MM-69. Dr. M. S. Bates of Nanking University

23 MM-66.  
24 d. T. 3908.

MM-68.  
a. Ex. 257, T. 3464-5.

25 MM-67.  
a. T. 2642.



1 said in evidence:<sup>a</sup>.

2 "We were assured by the civil officials in  
3 the Embassy that on several occasions strong orders  
4 were sent from Tokyo to restore order in Nanking.  
5 We saw no significant results of such orders until the  
6 coming of some kind of high military deputation about  
7 the 5th or 6th February. I learned that a high  
8 military officer called together a large body of  
9 lower officers and noncommissioned officers, telling  
10 them very severely that they must better their con-  
11 duct for the sake of the name of the Army. Prior  
12 to that time we saw and heard of no instance of  
13 effective discipline or penalty inflicted upon  
14 soldiers who were seen by high officers in the very  
15 act of murder and rape. On three or four occasions  
16 Mr. Raabe and other members of the committee were  
17 in the presence of high officers when they saw the  
18 shooting or bayoneting of a civilian or an act of  
19 rape. In each case the soldier was required to give  
20 an extra salute to the officer, and an oral reprimand  
21 was administered but the name of the soldier was not  
22 taken nor was there any other indication of discipline."

23 MM-70. The defense witness OUCHI, a second  
24

25 MM-62.

a. T. 2642-3.

1 lieutenant in the 9th Division, who entered Nanking  
2 on 15 December, states that there was not a single  
3 criminal charged with an illegal act.<sup>a</sup> And the  
4 witness WAKIGAKA, a colonel in the 9th Division,  
5 states he left Nanking on 24 December and no criminal  
6 was found among those under his command.<sup>b</sup>

7 The defense witness OGAWA, Chief of Legal  
8 Affairs Section, 10th Army, states that during his  
9 stay in Nanking, 14-19 December, he did not hear any  
10 rumors of illegal conduct of Japanese soldiers nor  
11 were there any indictments for illegalities.<sup>c</sup>

12 MM-71. The defense witness TSUKAMOTO, Koji,  
13 was appointed prosecutor for the Shanghai Expedition-  
14 ary Force on 30 August 1937 and prosecutor and judge  
15 for the Central China Expeditionary Force on 9 Feb-  
16 ruary 1938. He states that after the entry into  
17 Nanking unlawful acts were committed by Japanese  
18 troops and he examined these cases.<sup>a</sup> Four or five  
19 officers were involved and the rest were mostly  
20 trifling cases committed by privates. The kinds of  
21 crimes were chiefly plunder, rape, etc., while the  
22 cases of theft and injury and the cases of death were  
23 very few. He remembers that there were a few murder  
24

25 MM-70.

a. T. 32600.

b. T. 32608.

c. T. 32676.

MM-71.

a. T. 21563.

1 cases but has no memory of having punished incendiaries  
2 or dealt with mass slaughter criminals. The crimes  
3 were committed at different places but a considerable  
4 number of cases, he believes, took place in the  
5 refugees' quarter in Nanking. He actually handled  
6 ten cases himself but the number of people involved  
7 was greater than the number of cases.<sup>b.</sup>

8 XVIII. Hallett Abend had an interview with  
9 the defendant MATSUI in January 1938.

10 MM-72. In his interrogation, MATSUI says:<sup>a.</sup>

11 "I saw Abend about a month after Nanking. I  
12 requested him to see me as I had heard rumors and I  
13 wished to quell these by putting the facts before  
14 Mr. Abend. I explained to Mr. Abend my views regard-  
15 ing the respecting of foreign rights and interests in  
16 Nanking. Also my desire not to inflict damages to  
17 neutral properties and interests. I also stated  
18 that it was my desire to achieve peace and extend the  
19 hand of friendship to Chinese troops who had stopped  
20 fighting but that it was my duty to punish Chinese  
21 troops who continued opposition."

22 On cross-examination, MATSUI stated that he  
23 wished to quell rumors by putting the facts before  
24

25 MM-71.

b. T. 21579.

MM-72.

a. Ex. 275, T. 3463.



1 Mr. Abend and asked Mr. Abend to see him about a  
 2 month after the fall of Nanking.<sup>b.</sup> He talked to Abend  
 3 on the basis of reports that had been communicated to  
 4 him (MATSUI) from the Kempei Tai.<sup>c.</sup>

5 XIX. A number of high ranking military  
 6 officers arrived in Nanking about the 5th or 6th  
 7 February.

8 MM-73. Correspondence of the American  
 9 Embassy, Nanking, discloses that<sup>a.</sup> on 6th February  
 10 Major General AMAYA, the new garrison commander, gave  
 11 a welcoming tea at the Japanese Embassy for foreign  
 12 diplomatic representatives at Nanking.

13 He criticized the attitude of foreigners who  
 14 were sending abroad reports of Japanese atrocities  
 15 and encouraging the Chinese in their anti-Japanese  
 16 feeling.

17  
 18 MM-74. In his cross-examination, MATSUI  
 19 stated that Major General HOMMA was sent to his head-  
 20 quarters by the General Staff about the end of January  
 21 1938, and HOMMA said that the authorities in Tokyo  
 22 were very worried about the reports of outrages com-  
 23 mitted by Japanese soldiers in China.<sup>a.</sup> MATSUI stated

24 MM-72.

25 b. T. 33868.  
 c. T. 33873.

MM-73.

a. Ex. 328, T. 4588.

MM-74.

a. T. 33856.

1 that he was not aware of any communications from the  
 2 General Staff addressed to him regarding the behavior  
 3 of the troops.<sup>b.</sup> At no time was he reprimanded by  
 4 the Chief of the Army General Staff or the War  
 5 Minister.<sup>c.</sup> He presumes that HOMMA learned of the  
 6 reports of outrages from the reports sent by the  
 7 Foreign Office to the Army.<sup>d.</sup>

8 XX. Defendant returned to Japan in February  
 9 1938 and was released from the service on 5 March 1938.

10 MM-75. In the interrogation of HATA, it is  
 11 stated that<sup>a.</sup> General HATA succeeded General MATSUI  
 12 in Central China on 17 February 1938.

13 XXI. Defendant MATSUI was not asked to make  
 14 a report on the Nanking Incident and while there must  
 15 have been investigations and reports the defendant  
 16 MATSUI does not know for certain.

17 MM-76. In his interrogation, MATSUI says:<sup>a.</sup>

18 "I was placed on the reserves immediately  
 19 upon arrival in Tokyo so I do not know for certain but  
 20 there must have been investigations and reports. I  
 21 was not asked to make a report. If there had been  
 22 any such incidents I would naturally have made a  
 23 report on my own responsibility."  
 24

25 MM-74.

b. T. 33856.  
 c. T. 33876.  
 d. T. 33878.

MM-75.

a. Ex. 256, T. 3445.

MM-76.

a. Ex. 257, T. 3464.

1           MATSUI states on cross-examination that up  
2 to the time he left Shanghai in February 1938 he had  
3 received no reports of the investigations he had  
4 ordered.<sup>b.</sup> When he asked for them the reply was  
5 that as soon as they were completed a reply would  
6 be sent.<sup>c.</sup>

7           MM-77. A document entitled "Army Records  
8 of the China Incident" 1939 was admitted in evidence  
9 during the cross-examination of the witness YAMAWAKI<sup>a.</sup>  
10 and contains a memorandum entitled "The Situation of  
11 the Military Forces and Army Men Returned from the  
12 Disturbance Area" which points out that some returning  
13 soldiers to Japan do not restrain their speeches.  
14 Examples are given where the statement has been made  
15 that "the thing I like best during the battle is  
16 plundering"<sup>b.</sup> and "in the battlefield we think nothing  
17 of rape"<sup>c.</sup> and "prisoners of the Chinese Army were  
18 sometimes lined up in one line and killed to test the  
19 efficiency of the machine gun."<sup>d.</sup>

21           MM-76.

- 22           b. T. 33,855.  
23           c. T. 33,856.

24           MM-77.

- 25           a. Ex. 3304, T. 30126.  
            b. T. 30127.  
            c. T. 30129.  
            d. T. 30130.



## XXII

1                   The defendant MATSUI was responsible for  
 2                   the Rape of Nanking.

3                   MM-78. In his affidavit MATSUI states that  
 4                   the Central China Area Army was over the Shanghai Ex-  
 5                   peditionary Force and the 10th Army Headquarters and  
 6                   its mission was to unify the command of these units<sup>a.</sup>  
 7                   and that his relation with the officers and men in the  
 8                   field in regard to command and supervision was entirely  
 9                   indirect.<sup>b.</sup> He further states that one of the contribu-  
 10                  ting factors to the unfortunate incidents at Nanking  
 11                  was that as Commander of the Central China Area Army  
 12                  he had no direct authority over the officers and men  
 13                  in the field.<sup>c.</sup>

14                  MM-79. On cross-examination, MATSUI stated  
 15                  that when he said command and supervision was entirely  
 16                  indirect, he meant that command was exercised through  
 17                  the Commanders of the Shanghai Expeditionary Force and  
 18                  the 10th Army.<sup>a.</sup> Moreover the Headquarters of the  
 19                  Central China Area Army had no authority over such  
 20                  matters as rations, quarters, pay and medical services<sup>b</sup>

21                  MM-78. a. Ex. 3498, T. 33,819

22                               b. T. 33,820

23                               c. T. 33,825

24                  MM-79. a. T. 33,849

25                               b. T. 33,848

1 but admitted that the 10th Army and the Shanghai Ex-  
 2 peditionary Force were under his command. <sup>c.</sup> MATSUI  
 3 further stated on cross-examination he did not have  
 4 authority directly to handle discipline and morals.  
 5 As Commander-in-Chief of the Central China Area Army  
 6 he was given the power to command operations of the  
 7 two subordinate armies under his command <sup>d.</sup> and that  
 8 ordinarily discipline and morals within an army were  
 9 the responsibility of the Division Commander. <sup>e.</sup> He  
 10 had the obligation or duty rather than authority to see  
 11 that discipline and morals were maintained in the units  
 12 under his command. <sup>f.</sup>

14 MM-80. MATSUI stated that he did not say that  
 15 the power of discipline was not inherent in his command  
 16 and did not evade all responsibilities in connection  
 17 with the capture of Nanking as Area Army Commander  
 18 commanding his subordinates <sup>a.</sup> but was trying to say  
 19 that he was not directly responsible for the discipline  
 20 and morals of the troops under the respective armies  
 21 under his command. <sup>b.</sup>

22 He had no authority to take disciplinary  
 23 measures or to hold court martial, such authority

24 MM-79. c. T. 33,849 MM-80. a. T. 33,874  
 25 d. T. 33,873-4 b. T. 33,874  
 e. T. 33,871  
 f. T. 33,874

1 residing in the Commander of the Army or the Division  
 2 Commander.  
 3 c.

4 He had no legal right to issue an order for  
 5 a court martial and no authority except to express  
 6 his desires as overall Commander-in-Chief to the  
 7 Commander of the Army under his command and the division-  
 8 al commanders thereunder.  
 9 d.

10 He stated that it would be a very difficult  
 11 matter to determine his responsibility with regard to  
 12 the question of discipline and morals and he could  
 13 not make any definite statement at that time.  
 14 e.

15 MM-81. The accused stated that he did not  
 16 send a report about the incidents in Nanking to the  
 17 higher command. He may have talked about this matter  
 18 to the General Staff Office after his return to Tokyo.  
 19 a.

20 If there was any responsibility about sending  
 21 reports with regard to the discipline and morals of  
 22 troops, the responsibility did not reside in the Com-  
 23 mander-in-Chief of the Area but in the Division Com-  
 24 mander.  
 25 b.

26 He could not say definitely from the legal  
 27 standpoint whether the Division Commander should send

28 MM-80. c. T. 33,875  
 29 d. T. 33,875  
 30 e. T. 33,876  
 31 MM-81. a. T. 33,878  
 32 b. T. 33,879



1 such reports through the Commander of the Army or by  
2 channelling it through the Commander-in-Chief of the  
3 Area Army.  
c.

4 MM-82. In answer to the Acting President,  
5 MATSUI stated that he could not say that the mainten-  
6 ance of military discipline had no connection with  
7 military strategy and, therefore, insofar as the two  
8 were interconnected, he thought that he did have the  
9 power to interfere in matters relating to military  
10 discipline, but in the strict legal sense he did not  
11 conceive himself as having the power to give specific  
12 orders in detail with regard to the maintenance of  
13 military discipline, and this remains his belief to the  
14 present day.  
a.

15 MM-83. It appears, however, from his cross-  
16 examination that on 18 December 1937 he ordered as many  
17 officers as possible of the various armies and divisions  
18 to assemble, because on 17 December through his Chief  
19 of Staff he has received the report of the gendarmerie  
20 in regard to outrages committed by the Japanese soldiers  
21 and he gathered these officers together for the purpose  
22 of giving them instructions directly.  
a.

24 MM-81. c. T. 33,880

25 MM-82. a. T. 33,883

MM-83. a. T. 33,858

Those instructions are in evidence and state in part that all officers and men should realize the true significance of command, should enforce stricter military discipline and that everyone should be cautious with regard to conduct on his part and should exert his utmost efforts to maintain and augment the splendid battle results, thereby enhancing the prestige of the Imperial Army.<sup>b.</sup>

## XXIII

On 29 April the defendant MATSUI was decorated with the 1st Class Order of the Golden Kite for meritorious war services during the China Incident.\*

## XXIV

In 1929 the defendant MATSUI, Director of the Second Section of the General Staff, called a meeting in Berlin of all the Military Attaches of Japan in European countries.

MM-84. In his affidavit MATSUI states the meeting of Japanese military attaches in Berlin was not an official conference as there was no particular purpose. The meeting was of a social nature.<sup>a.</sup> On cross-examination, he admitted that the expenses of his trip to Berlin were defrayed by the General Staff

MM-83. b. Ex. 3397, T. 32,617-8

\* Ex. 115, T. 736

MM-84. a. Ex. 3498, T. 33,827

and that attaches were there from Great Britain, Germany, France, Poland, Russia, Austria, Turkey and Italy.<sup>b.</sup> HASHIMOTO, who was the military attache in Turkey, spoke of intelligence work vis-a-vis Russia and of utilizing White Russians who were in Turkey.<sup>c.</sup>

The accused HASHIMOTO stated on cross-examination that at the meeting of Japanese military attaches in Berlin in 1929 the topic of sabotage and espionage against Russia came up.<sup>d.</sup>

YXV

"Asia for the Asiatics"

MM-85. Witness General Ching Teh-chun states<sup>a.</sup> that in the autumn of 1935 MATSUI came to Peiping. He was a general in retirement at that time and advocated the concept of Greater Asia. He hoped to establish a branch of the Greater Asia Association in Peiping. Through the introduction of Mr. Chen Cho-sung, Director of the Peiping and Liaoning Railway, MATSUI met General Sung and the witness and both of them expressed their disfavour. MATSUI, in his conversation with the witness, advocated that Asia should be the Asia of the Asiatics and that European and American influence

MM-84. b. T. 33,886

c. T. 33,889

d. T. 28,839

MM-85. a. T. 2317



should be expelled. The witness replied that he was afraid that what MATSUI meant by Asia of the Asiatics was actually the Asia of the Japanese. Unless there were real equality and reciprocity, nothing could be discussed.

b.  
The witness declared that he did not participate in a meeting in Tientsin at which there was created a Founders Committee for the China Greater Asia Association.

On cross-examination General Ching stated<sup>c</sup> that MATSUI wanted to expel the British and American interests out of Asia. The subsequent facts that happened at Pearl Harbor and the attack on Manila and other places will be factual enough to prove that.

MM-86. MATSUI states in his affidavit that he established the Greater Asia Association in 1933 and that it was not political but an organization to study social culture.<sup>a</sup> In 1935 and 1936 he travelled north

b. The Dai Nippon Asia Development League, of which he was vice-president or adviser from its establishment, was formed to com-

MTI-85. b. T. 2376

c. T. 2487

MM-86. a. Ex. 3498, T. 33,829

b. T. 33,830

1   bine the numerous organizations engaged in developing  
 2   Asia.<sup>c.</sup> It came under the newly organized I.R.A.A.  
 3   After the outbreak of war, he went to Indo-China, the  
 4   Southern Regions, and the Philippines, exhorting the  
 5   peoples of the countries of Great Asia to cooperate  
 6   with the Great Asia League.<sup>d.</sup>

7         MM-87. The defense witness NAKATANI identi-  
 8   fied an editorial in the magazine "Dai Asia Shugi" of  
 9   October 1940, the organ of Great East Asia, in which  
 10   he expressed his satisfaction that the Sino-Japanese  
 11   conflict as a war to emancipate Asia had at last taken  
 12   up the real issue with the advance of Imperial Troops  
 13   into French Indo-China. This advance, so far as his-  
 14   torical significance goes, meant a few steps advance  
 15   towards the war to liberate Asia.<sup>e.</sup>

16         In an article appearing in the January 1941  
 17   issue of the magazine "Dai Asia Shugi" MATSUI wrote  
 18   that the conclusion of the Tripartite Pact between  
 19   Japan, Germany and Italy and the recognition by the  
 20   Nanking Kuomintang Government had forced (the Japanese  
 21   people) to go on the road to construct a New Order in  
 22   Asia against a long dominance of Great Britain, America

24   MM-86. c. T. 33,832  
       d. T. 33,895  
 25   MM-87. a. Ex 3405, T. 32,711

b.  
and France in Asia.

1 In the July 1941 issue of the magazine "Dai  
2 Asia Shugi" MATSUI wrote an article in which he stated  
3 that the immediate enemies were clearly Britain and the  
4 United States and the group of democratic nations. In  
5 the name of 100,000 dead heroes, he absolutely opposed  
6 any compromise with the United States.<sup>c.</sup>  
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24 MM-87. b. Ex. 3499-A, T. 33,900  
c. Ex. 3500-A, T. 33,915  
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## 1 PART TWO

## 2 ARGUMENT

3 (The references to the footnotes are to  
4 sections in the Summary Part One)

5 MM-88. It is submitted that the evidence  
6 adduced before the Tribunal has made it abundantly  
7 clear that atrocities occurred in Nanking. There  
8 can be no doubt that tens of thousands of Chinese men,  
9 women, children and disarmed soldiers and police were  
10 killed by Japanese soldiers; that thousands of Chi-  
11 nese women and girls were raped and that looting and  
12 burning went on over a wide area of the city.<sup>a</sup>

13 MM-89. The evidence adduced by the defense,  
14 while not denying that atrocities did occur, would  
15 make it appear that they occurred only to a limited  
16 extent.<sup>a</sup>

17 MM-90. It is submitted that the preponder-  
18 ance of the evidence in favor of the contention of  
19 the prosecution must compel the Tribunal to the con-  
20 clusion that such prosecution evidence is both con-  
21 vincing and overwhelming and ought to be accepted.

22 MM-91. It is further submitted by the  
23 prosecution that it has been established by the evi-  
24

25 MM-88. a. Summ. Sect. VIII (a), (b), (c), (d).  
MM-89. a. Summ. Sect. VIII (a), (b), (c), (d).

1 dence that the atrocities went on over a long period  
2 of time and that little or nothing was done to check  
3 them in spite of the many appeals made by the foreign  
4 residents to the Japanese Embassy in Nanking.<sup>a</sup>

5 MM-92. It may be open to argument that the  
6 officials at the Japanese Embassy, being terrified  
7 of the military, were helpless in the matter but the  
8 fact remains that the atrocities went on unchecked for  
9 a period of six or seven weeks after the fall of the  
10 city on 13 December 1937. It cannot be argued that  
11 they could not have been brought to an end by prompt  
12 and decisive action on the part of the military authori-  
13 ties and the defendant MATSUI it is submitted must be  
14 held answerable for the failure to take such action.<sup>a</sup>

15 MM-93. It will doubtless be contended by  
16 the defense that MATSUI was not aware of the actual  
17 conditions existing in Nanking after the capture. It  
18 is submitted that a contention of this nature is met  
19 by the evidence presented to the Tribunal which es-  
20 tablishes<sup>a</sup> that at least from the time of his entry  
21 into the city on 17 December he well knew that out-  
22 rages were being committed. In all probability, he  
23 knew before his entry on that day from reports

24  
25 MM-91. a. Summ. Sect. XV  
MM-92. a. Summ. Sect. XVI  
MM-93. a. Summ. Sect. XIV

1 received by him from his subordinate commanders but  
2 the evidence in this regard is not conclusive.

3 MM-94. It is, however, conclusive on the  
4 point that in fact he was informed of atrocities by  
5 the Kempetai when he entered the city on 17 December  
6 and also by a consular official in Nanking. Subse-  
7 quent information came to him from reports received  
8 by his staff officers from the Kempetai and from re-  
9 ports made to him by officers ordered to make investi-  
10 gation into the matter of atrocities. It is signifi-  
11 cant that in January 1938 MATSUI sought an interview  
12 with a journalist Hallett Abend because he wished to  
13 quell rumours by putting the facts before Mr. Abend.<sup>a</sup>  
14 It is also to be observed that early in February the  
15 authorities in Tokyo became so disturbed by the re-  
16 ports received of outrages in Nanking that it was  
17 considered necessary to send General HOMMA to China.<sup>b</sup>

19 MM-95. And while it has been established  
20 by the defense that after his entry into the city  
21 MATSUI, because of what he had been told by the Kempe-  
22 tai, called his officers together and instructed them  
23 to be more strict in maintaining discipline, the  
24 prosecution submits that no real effort was made by

25 MM-94.

a. Summ. Sect. XVIII

b. Summ. Sect. XIX





1 humed from places where they had been gathered and  
 2 buried. While no proof of this was offered by the  
 3 defense, it should be pointed out that the evidence  
 4 of the prosecution establishes<sup>a</sup> not only the number  
 5 of bodies found but the many different places in  
 6 the city where they were found and the suggestion that  
 7 they were exhumed is entirely unsupported by the evi-  
 8 dence before this Tribunal.

9 MM-98. The defendant MATSUI seeks to evade  
 10 his responsibility by taking the position<sup>a</sup> that his  
 11 command and supervision over his armies was entirely  
 12 indirect and that consequently he was not directly  
 13 responsible for the discipline and morals of the  
 14 officers and men under his command. He would, it  
 15 seems, limit his responsibility to purely operational  
 16 matters such as the shelling of the "Ladybird."<sup>b</sup>

17 MM-99. The prosecution submits that it is  
 18 impossible to divorce the power to enforce discipline  
 19 from the power of command and he himself admits that  
 20 where military discipline and military strategy are  
 21 interconnected he did have power to interfere in  
 22 matters of military discipline.<sup>a.</sup>

23 MM-97. a. Summ. Sect. VIII (a)(5)

24 MM-98. a. Summ. Sect. XXII

b. Summ. Sect. I

25 MM-99. a. Summ. Sect. XXII

MM-100. Furthermore, it is clear from the evidence<sup>a</sup> that it was the Commander-in-Chief, MATSUI, who on 18 December called his officers together in Nanking and told them that they should recognize the true significance of command and enforce stricter discipline. It was MATSUI who ordered investigations, such as they were, into atrocities and it is submitted that everything he did is consistent with the view that the power to enforce discipline resided in him as Commander-in-Chief and cannot be shifted as he suggests to his subordinates in the armies under his command.

MM-101. He should have followed his own advice and, realizing the true significance of his own command, have enforced stricter discipline on those officers and men of the Japanese Army who turned a peaceful and nonresisting city into a charnel house littered with the bodies of innocent Chinese men, women and children.

MM-102. His responsibility for such crimes against humanity can only be shared with those governmental heads and high army officers in Tokyo, who being<sup>a</sup> fully aware of the atrocities by reason of the reports

MM-100. a. Summ. Sect. XXII

MM-102. a. Summ. Sect. XIII



1 of the foreign residents in Nanking, themselves did  
 2 nothing to bring to an end those tragic events which  
 3 continuing as they did day after day have made the  
 4 fall of Nanking a black page in the history of Japan.

5 MM-103. With regard to the other activities  
 6 of MATSUI during the period covered by the Indictment,  
 7 it is clear, from the evidence,<sup>a</sup> that as early as  
 8 1929 he was present at a meeting in Berlin of the  
 9 Japanese military attaches in Europe when such matters  
 10 as sabotage and espionage against Russia came up for  
 11 discussion.

12 MM-104. It has also been shown clearly that  
 13 he has been, and still is, a lifelong advocate of the  
 14 policy of "Asia for the Asiatics" and the expulsion  
 15 of foreign interests from East Asia.<sup>a.</sup>

16 MM-105. After establishing the Greater East  
 17 Asia Association in 1933, he spent much of his time  
 18 in the succeeding years, as the evidence shows, in  
 19 traveling through the countries of East Asia and ex-  
 20 horting the peoples of those countries to adhere to  
 21 that policy and to construct a new order in East Asia.<sup>a</sup>  
 22 As vice president and adviser to the Dai Nippon Asia  
 23 Development League from its establishment he continued  
 24

25 MM-103. a. Summ. Sect. XXIV

MM-104. a. Summ. Sect. XXV

MM-105.

a. Summ. Sect. XXV

1 to exert his influence to that end and in furtherance  
2 of that policy. The evidence adduced in this case has  
3 shown him to be a person, who, by his actions, his  
4 speeches and his writings, has constantly displayed  
5 a hostile attitude towards China, <sup>b</sup> Great Britain,  
6 America and France and who cannot now escape respon-  
7 sibility for the wars of aggression which, aimed as  
8 they were at the establishment of a New Order in East  
9 Asia, ultimately brought disaster to Japan.

10 ML-106. To sum up, it is submitted that the  
11 defendant MAISUI is guilty as charged under the con-  
12 spiracy Counts 1-5, inclusive, of the Indictment. As  
13 has been shown by the evidence as early as 1929 he  
14 participated in the overall conspiracy charged in  
15 Count 1 and the evidence against him concerning his  
16 military and non-military activities shows that he  
17 is also guilty under Counts 4 and 5. In addition, the  
18 evidence of his activities in China from the time he  
19 joined the conspiracy makes him guilty in respect of  
20 the conspiracies relating to China charged under  
21 Counts 2 and 3.

22 ML-107. Counts 6-17, inclusive, relate to  
23 the planning and preparation for aggressive war. It  
24 is submitted that being a defendant who joined the

25 ML-105. b. Ex. 3269, T. 37, 246

1 overall conspiracy as early as 1929, and did not  
2 withdraw, as his subsequent activities show, he is  
3 guilty of all subsequent activities planning and pre-  
4 paring pursuant to that conspiracy. Such being the  
5 case, he is guilty under all of the Counts 6-17,  
6 inclusive. In addition to preparing and planning the  
7 overall program for aggressive war, there is direct  
8 evidence establishing that MATSUI planned and pre-  
9 pared the war against China as charged in Count 6 of  
10 the Indictment.

11 MM-108. Counts 18 to 26, inclusive, relate  
12 to initiating aggressive wars. He is not charged  
13 under Counts 18 and 20-24, inclusive. It is sub-  
14 mitted that there is direct evidence that MATSUI is  
15 guilty of initiating a war of aggression against  
16 China in 1937 as charged under Count 19, and that he  
17 is guilty as charged under Counts 25 and 26 as an ac-  
18 complice, instigator and accessory by reason of his  
19 guilt in planning and preparing the wars of aggression  
20 referred to in the said Counts 25 and 26.

21 MM-109. It is also submitted that the evi-  
22 dence of his activities since 1929, both as a mili-  
23 tary leader and as advocate for a New Order in East  
24 Asia, show MATSUI to be guilty of waging aggressive  
25 war under Counts 27 to 32 inclusive and Counts 34



1 to 36 inclusive. This defendant is not charged under  
2 Count 33. In addition, he is guilty under Counts 28,  
3 35 and 36 because the evidence establishes that he  
4 was a person guilty of initiating the wars referred to  
5 in those Counts.

6 MM-110. The defendant MATSUI is charged  
7 under Counts 45, 46, 47, 51 and 52 of the offenses con-  
8 tained in Group II of the Indictment relating to mur-  
9 der. With regard to Count 45 (Nanking) it is sub-  
10 mitted that the evidence adduced before the Tribunal  
11 makes it abundantly clear that MATSUI is guilty  
12 under this Count. He is also guilty under the remain-  
13 ing Counts in this group with which he is charged,  
14 i.e., 46, 47, 51 and 52 by reason of the fact that the  
15 evidence establishes that he was a person who planned  
16 and prepared to commit the offenses charged under  
17 those Counts.

18 MM-111. The remaining Counts in the Indict-  
19 ment, 54 and 55, are contained in Group III and re-  
20 late to Conventional War Crimes and Crimes against  
21 Humanity. If, as has been submitted, the defendant  
22 MATSUI is responsible for the Rape of Nanking, he then  
23 is clearly guilty of the conspiracy charged under  
24 Count 54 and is fixed with responsibility for the  
25 violation of the laws of war as charged under Count 55.

1 MM-112. In the result it is submitted that  
2 the defendant MATSUI is guilty as charged.

3 My learned friend, Colonel Woolworth, with  
4 permission of the Tribunal, will now read the summa-  
5 tion against the defendant MINAMI.

6 THE PRESIDENT: Colonel Woolworth.

7 MR. WOOLWORTH: If the Tribunal please, this  
8 is a summary of evidence against MINAMI, Jiro. Para-  
9 graph one is omitted. The reading of the summation  
10 will begin at paragraph 2, page 1. Paragraph 35,  
11 pages 25 and 26, will not be read.

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## SUMMARY OF EVIDENCE AGAINST MINAMI, Jiro

## I. Charges Against MINAMI

NN-1. MINAMI is charged on all Counts of the Indictment, except Counts 19, 20-26, 33, 35-43, 45-52. He is charged as a conspirator in the plan to secure military, naval, political and economic domination for Japan in the regions specified in Counts 1-5; and in Counts 6-18 he is charged with planning and preparing a war of aggression and a war in violation of international law, treaties, agreements and assurances; and in Counts 27-32 and in 34, he is charged with waging a war of aggression and a war in violation of international law, treaties, agreements and assurances, and permit murder of prisoners of war on a wholesale scale and in Counts 53-55, he is charged with conspiracy to order, authorize or permit breaches of law or custom in respect to prisoners of war in China, from and after 18 September 1931.

## II. MINAMI's Background

NN-2. MINAMI graduated from the Japanese Military Academy in 1895 as a 2nd Lieutenant. He served in the Sino-Japanese war of 1894-5. From 5 March 1927 to the termination of the war in 1945, he held military as well as political positions of great importance. On 5 March 1927 he became Vice-Chief of the Army General



Staff; 1 August 1929, Commander of the Chosen Army;  
 1 7 March 1930, General; 22 December 1930, War Councillor;  
 2 14 April 1931, War Minister; from 13 December 1931 to  
 3 9 February 1934 he acted first as War Councillor and  
 4 then Councillor; on 10 December 1934 he was appointed  
 5 Commander of the Kwantung Army and concurrently was Envoy  
 6 Extraordinary and Ambassador Plenipotentiary and Kwantung  
 7 Governor General, which position he held until 6 March  
 8 1936, except that of Kwantung Governor General, which  
 9 office was abolished in 26 December 1934; on 6 March  
 10 1936 he was attached to the Army General Staff Head-  
 11 quarters; on 22 April 1936 he was placed on the reserve  
 12 list; on 5 August 1936 he was appointed Governor General  
 13 of Chosen; on 29 May 1942 he was appointed a Privy  
 14 Councillor; and on 31 March 1945 he was appointed a  
 15 member of the House of Peers.  
 16

17 NN-3. In viewing the important assignments and  
 18 appointments of MINAMI from 1927 to 1945 it becomes  
 19 apparent that between those dates, he was in positions  
 20 of great authority, where policy making was required,  
 21 and where action had to be taken either to advance or  
 22 halt acts of military aggression. Such offices as Vice-  
 23 Chief of the Army General Staff,<sup>a.</sup> War Councillor, War  
 24 Minister, Commander of the Kwantung Army and Governor  
 25 (NN-2. a. Ex. 117, T. 740-2.  
 NN-3. a. T. 19607, 19944, Ex. 2436, T. 19943.)

1 General of Chosen, were offices of crucial importance,  
2 during the periods MINAMI held such positions. That he  
3 took a leading part in, and enhanced the movements of  
4 Japanese aggression by his participation in the succes-  
5 sive military movements, which culminated in the Pacific  
6 War, is amply shown by what will later appear.

7 THE PRESIDENT: We will recess for fifteen  
8 minutes.

9 (Whereupon, at 1445, a recess  
10 was taken until 1500, after which the pro-  
11 ceedings were resumed as follows:)

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MARSHAL OF THE COURT: The International

Military Tribunal for the Far East is now resumed.

1 THE PRESIDENT: Colonel Woolworth.

2 COLONEL WOOLWORTH: III. MINAMI's Activities  
3 Prior to the Mukden Incident.  
4

5 NN-4. MINAMI is first seen in the open, during  
6 his tenure as War Minister in the WAKATSUKI Cabinet  
7 from April to December 1931. He knew or should have  
8 known of the March Incident, and he knew or should  
9 have known that the War Office was represented in the  
10 Sakura-Kai and that the aims of the Sakura-Kai were to  
11 carry out an internal revolution and settle the Man-  
12 churian problem.<sup>a.</sup> MINAMI was fully apprised of the  
13 seriousness of the situation in Manchuria as early  
14 as the summer of 1931, because KOISO who had become  
15 apprehensive that trouble was brewing, spoke to MINAMI  
16 and to the Vice Chief of the Army General Staff about  
17 b. The upshot of such conversations was the dis-  
18 patch of General TATEKAWA, a section chief of the  
19 General Staff to Manchuria to head off irresponsible  
20 c. action. There is a dispute as to who dispatched  
21 TATEKAWA to Mukden. TANAKA, Ryukichi, testified that  
22 MINAMI ordered TATEKAWA to go,<sup>d.</sup> whereas KOISO testified

23 NN-4. a. T. 1963  
24 b. T. 32308  
25 c. T. 32309  
d. T. 2006)



that TATEKAWA was sent by the Army General Staff. <sup>e.</sup>

1 MINAMI testified that TATEKAWA was sent by orders of  
 2 the General Staff, but that he met with TATEKAWA prior  
 3 to the trip and talked over the matter with him, <sup>f.</sup> and  
 4 he told TATEKAWA that he should see Consul HAYASHI to  
 5 investigate reports made by him of Army movements  
 6 around Mukden. <sup>f.</sup> Regardless who ordered TATEKAWA to  
 7 make this trip, TATEKAWA failed to carry out his  
 8 mission and permitted the incident to occur, as was  
 9 admitted by TATEKAWA, because he did not desire to  
 10 stop it. <sup>h.</sup> Having in mind that MINAMI testified that  
 11 TATEKAWA was interested in Manchurian problems, <sup>i.</sup> and  
 12 assuming MINAMI knew that TATEKAWA was the person  
 13 responsible for releasing the bombs to OKAWA in the  
 14 March Incident, <sup>j.</sup> it would seem that the slightest  
 15 consideration of the matter on the part of MINAMI would  
 16 have caused him to make sure that TATEKAWA, one of the  
 17 chief conspirators in the March Incident, was not  
 18 entrusted with such an important and delicate mission.

20 NN-5. MINAMI, prior to this crucial time,  
 21 was fully apprised that a crisis was impending as

22 (NN-4. e. T. 32310  
 23 f. T. 19821  
 24 g. T. 19827  
 25 h. T. 2006; 2505-7  
 i. T. 19822  
 j. T. 32325.)

appears from a meeting which took place in July 1931,  
 when he summoned the Manchurian Railway authorities  
 to his official residence to discuss Manchurian-  
 Mongolian problems.<sup>a.</sup> At that meeting the Army side  
 was represented by MINAMI, KANAYA, Chief of the General  
 Staff, SUGIYAMA, and ITO, Vice Minister, NINOMIYA,  
 Vice-Chief of the General Staff, KOISO, Chief of the  
 Military Affairs Bureau, OKI, Chief of the 3rd Section  
 of the General Staff, and TATEKAWA, Chief of the 2nd  
 Section of the General Staff,<sup>b.</sup> the latter being the  
 conspirator in the March incident, previously mentioned.  
 At this meeting, the parties present "exchanged their  
 outspoken opinions regarding the Manchurian-Mongolian  
 problems."<sup>c.</sup> Later in the same month, MINAMI stated:  
 "The Army has long recognized the necessity of increas-  
 ing our divisions in Korea and we hope the day will  
 come when more divisions will be dispatched there."<sup>d.</sup>  
 At a meeting of Army and Division Commanders held  
 4 August 1931, MINAMI was quoted as having stated in  
 his address, "Guard Manchuria, our life line."<sup>e.</sup>

NN-6. MINAMI was far from passive in his  
 relation to the Mukden Incident. He knew that the

(NN-5. a. T. 15753  
 b. T. 15753  
 c. T. 15753  
 d. T. 15753  
 e. Ex. 2207, T. 15784-5.)

1 problem was acute, or else the aforesaid meeting would  
2 not have taken place, at which the entire top hierarchy  
3 of the General Staff, met with him and his top satellite  
4 KOISO, along with the officials of the South Manchuria  
5 Railway. Although he testified that this meeting was  
6 but a social luncheon, there is no doubt that the meet-  
7 ing was for the purpose of exchanging views on the  
8 strategy to be used to apply forceful action in Man-  
9 churia. That MINAMI was not an apostle of peace, as  
10 he seeks to portray himself, prior to the Mukden affair,  
11 appears from the report of the Commission of Enquiry  
12 appointed by the League of Nations<sup>c.</sup> where it is said,  
13 that the "vigorous speeches by the Japanese War Minister  
14 in Tokyo, counselling direct action by the Army in  
15 Manchuria" were one of the things which set the stage  
16 for the events that took place on 18 September and  
17 thereafter.

18 NN-7. MINAMI also knew of, or should have been  
19 familiar with, studies being made in the War Ministry  
20 prior to the Manchurian Incident, concerning the con-  
21 quest of Manchuria;<sup>c.</sup> and he knew or should have known  
22 that a group in the Army led by Lieutenant Colonel

23 (NN-6. a. Ex. 57, p. 66-7; Ex. 186, T. 2209-10;  
24 Ex. 2207, T. 15783.)

25 (NN-7. a. Ex. 3375, T. 32300.)



1 HASHIMOTO and SHIGEFUJI had become so powerful between  
 2 July and October 1931, that the Army could not check  
 3 such persons and difficulty was even had in drafting  
 4 a budget;<sup>b.</sup> and that this group, including General  
 5 TATEKATA were strongly of the opinion that unless  
 6 Manchuria were seized by Japan, it would be impossible  
 7 for Japan to become one of the powers of the world as  
 8 a highly developed national defense state.<sup>c.</sup>

9 NN-8. SHIDEHARA testified that prior to the  
 10 Mukden Incident he notified MINAMI that he had received  
 11 a cable from the Japanese Consul General in Mukden  
 12 that within a week a big incident would break out.  
 13 SHIDEHARA protested strongly to MINAMI in connection  
 14 with the report and he also saw MINAMI personally  
 15 to advise him that several civilian residents in  
 16 Manchuria had come to him at the Foreign Office and  
 17 told him that "something extraordinary was going on ....  
 18 some war-like preparation might be going on."<sup>b.</sup> SHIDEHARA  
 19 said he told MINAMI that this was very serious, and  
 20 MINAMI agreed with SHIDEHARA that he would do "his level  
 21 best to maintain discipline among these officers".<sup>c.</sup>  
 22 MINAMI's testimony is to the effect that SHIDEHARA

24 (NN-7. b. Ex. 179, T. 1926  
 c. T. 2003.)  
 25 (NN-8. a. T. 2006  
 b. T. 33589-90  
 c. T. 33592.)

only casually mentioned the matter at a Cabinet meeting and MINAMI told SHIDEHARA he would have the matter investigated, otherwise he couldn't believe it.<sup>d.</sup> It was at this point that the officers responsible for the situation should have been dealt with appropriately, if MINAMI really desired to stop an incident.<sup>e.</sup>

NN-9. The record, however, does not show that MINAMI, the "doubting Thomas," did a single thing to stave off the event, which was so notoriously bruited about that the Foreign Office, the General Staff and the War Minister in Tokyo knew approximately when it was to take place, and what was to happen.

NN-10. The sum and substance of the matter is that the SHIDEHARA policy of conciliation was thrown overboard and a new political force emanating from the army came into play, aided and abetted by MINAMI, as was found by the Commission of Enquiry of the League of Nations,<sup>e.</sup> and the Mukden Incident, the overt act of the conspiracy, was permitted to occur.

#### IV. MINAMI's Acts after Mukden.

NN-11. Immediately upon receiving notice that military action had taken place in Mukden on

(NN-8. d. T. 19821  
e. Ex. 3479, T. 33639)

(NN-10. a. Ex. 57, T. 66-7)

1 18 September 1931, MINAMI became very active. He  
 2 called General SUGIYAMA, KOISO and KUSHIBUCHI to his  
 3 official residence "to consider steps to meet the situ-  
 4 ation."<sup>e.</sup> Liaison was made with the General Staff and  
 5 a policy of non-expansion was agreed upon. This policy  
 6 was approved by the Cabinet and the Emperor.<sup>b.</sup> HONJO,  
 7 the Commanding General of the Kwantung Army, was notified  
 8 of the decision.<sup>c.</sup> MINAMI claims that from that time on  
 9 the military operations of the army on the spot came  
 10 under the jurisdiction of the Chief of the Army General  
 11 Staff as an exercise of the prerogative of the Supreme  
 12 Command."<sup>d.</sup> Further decisions made were: (a) approving  
 13 the movement of a Brigade of the Korean Army which  
 14 movement had already taken place at the discretion of  
 15 the Commander thereof who had been "moved with ir-  
 16 resistible sympathy over the fervent requests of the  
 17 Kwantung Army";<sup>e.</sup> (b) ratification of the action of  
 18 the Kwantung Army as a "temporary measure;"<sup>f.</sup> (c) and  
 19 a decision that no military administration was to be  
 20 established.<sup>g.</sup>

21  
 22 NN-12. Despite MINAMI's attempt to whitewash  
 23 himself and place all responsibility on the Supreme

24 (NN-11. a. T. 19780.  
 25 b. T. 19781-2  
 c. T. 19782  
 d. T. 19782

(NN-11. e. T. 19782  
 f. T. 19783  
 g. T. 19783)



Command for further activities of the Kwantung Army,  
 1 he admitted on cross-examination that he, MINAMI,  
 2 agreed to put the "Cabinet Policy into effect with the  
 3 Army at once." This shows that MINAMI, as War Min-  
 4 ister, had more than a theoretical duty or interest.  
 5 It shows he had a duty to perform, and how he failed  
 6 to perform it is an eloquent answer to his protestations  
 7 of lack of authority. He admitted that he had con-  
 8 ferences day after day with Premier WAKATSUKI as day  
 9 after day the incident expanded. WAKATSUKI said that  
 10 MINAMI would show by a line a boundary beyond which the  
 11 Army would not go, and almost daily this boundary line  
 12 was ignored and further expansion was reported "but  
 13 always with assurances that this was the final move." b.

15 NN-12A. On 19 September 1931, the Premier  
 16 WAKATSUKI complained to HARADA that he received no  
 17 report regarding the Manchurian Incident from either  
 18 the Foreign Minister or the War Minister, and when he  
 19 made inquiry from the War Minister as to what they  
 20 intended doing, if something should happen in Manchuria  
 21 with the small Japanese forces there, the reply was,  
 22 "We will send out troops from Korea. Probably troops  
 23 have already been sent out from Korea."

24 (NN-12. a. T. 19830-1

25 b. T. 19831)

(NN-12A. a. Ex. 3757-8)

1 On 22 September 1931, HARADA recorded that  
2 MINAMI made a proposal to send the Korean Army to  
3 Manchuria, but that the Cabinet did not approve the  
4 proposal at this meeting because the matter might be  
5 taken up by the League of Nations and the Premier  
6 rebuked the War Minister for sending out troops as far  
7 as Kirin and Changchun. Later on MINAMI again brought  
8 up the matter of dispatching the Korean Army in the  
9 Cabinet meeting of September 22nd. He told the Premier,  
10 "The Commander-in-Chief of the Korean Army decided  
11 that the situation was urgent and already has dis-  
12 patched one brigade." MINAMI was very anxious to have  
13 the dispatching of the Korean Army approved in the  
14 Cabinet meeting. In the Cabinet meeting of September  
15 23rd it was decided that the Government should defray  
16 the expenses without raising any objection. b.

17 Under date of 30 September 1931 the Premier  
18 WAKATSUKI reported to HARADA that at the Cabinet  
19 meeting MINAMI reportedly stressed, "I want to dis-  
20 patch troops to Chientao." When the Premier said,  
21 "No," MINAMI retorted, "In case the lives and properties  
22 of Japanese residents are endangered, will Your  
23 Excellency take the responsibility?" c.

24 (NN-12A. b. Ex. 3758A, T. 37579-81  
25 c. Ex. 3759A, T. 37586-7

At the Cabinet meeting of 1 October 1931,  
 1 Foreign Minister SHIDEHARA stated that the keeping of  
 2 troops in Kirin and Tungkia is far from good, but  
 3 MINAMI stated, "If we withdraw troops now, the situ-  
 4 ation will be very difficult for us and we will not be  
 5 able to maintain control of the situation in Mukden  
 6 and Kirin. Properly speaking, I believe it better for  
 7 Japan to withdraw from the League of Nations."<sup>d.</sup>  
 8

9 On 22 October 1931, WAKATSUKI complained,  
 10 "At today's Cabinet meeting War Minister MINAMI said  
 11 an exceedingly outrageous thing in regard to the  
 12 League of Nations. He said, 'There is no need for pay-  
 13 ing deference to the League of Nations; there should  
 14 be no objection to seceding from the League. Should  
 15 Japan determine to wage war against the whole world,  
 16 the (T.N. secession from the League) can be readily  
 17 done\*\*\*\*\*' I am really troubled because he is such an  
 18 irresponsible person."<sup>e.</sup>  
 19

20 NN-13. MINAMI admitted that although HONJO  
 21 had blanket authority to do what he liked "within  
 22 the scope of his official authority"<sup>a.</sup> MINAMI could  
 23 have stopped him.<sup>b.</sup> He failed to stop him, he said,

24 (NN-12A. d. Ex. 3760A, T. 37589-90)  
 e. Ex. 3761A, T. 37591-2)  
 25 (NN-13, a. T. 19832  
 b. T. 19833)



1 because "a situation was created wherein there could  
 2 be nothing else but expansion or extension of the  
 3 hostilities,"<sup>c.</sup> due to the large number of the enemy<sup>d.</sup>  
 4 and frequent surprise attacks made on the Japanese.

5 NN-14. MINAMI was fully advised as to the  
 6 expansion of the incident, and the failure of HONJO  
 7 to obey the Cabinet decision, as MINAMI was sent  
 8 copies of various telegrams received by SHIDEHARA from  
 9 consuls and consul-Generals during the progress of the  
 10 incident from 21 September 1931 and 7 November 1931,<sup>c.</sup>  
 11 and it would have been legally possible for MINAMI  
 12 to have either refused to supply the necessary money  
 13 out of the budget for carrying on such movements, or  
 14 to recall the officers who failed to carry out his  
 15 instructions.<sup>b.</sup>

16 NN-15. MINAMI's initial action on the out-  
 17 break of the incident, in wiring HONJO that a policy<sup>a.</sup>  
 18 had been adopted to localize the affair to a minimum,  
 19 and that the action of the Kwantung Army was to be a  
 20 "temporary measure" and not an occupation of Manchuria,<sup>b.</sup>  
 21 and that no military administration was to be established,  
 22 was almost immediately reversed because, as he said,  
 23

24 (NN-13. c. T. 19833  
 25 (NN-14. a. Ex. 3479, B.C.D.E.F.G.H.I & J, T. 33600-27  
 b. Ex. 3479, T. 33639)  
 (NN-15. c. T. 19331  
 b. T. 19783)

1 he was placed "in a very awkward position" due to a new <sup>c.</sup>  
 2 situation developing before the government could act.  
 3 This, he claims, occurred when the Kwantung troops  
 4 withdrew from Harbin; in the battle on the Nenai River;  
 5 in the occupation of Tsitsihar; and in the so-called  
 6 reconnaissance flight over Chinchow, <sup>d.</sup> after he had  
 7 agreed with Secretary Stimson in November 1931, that <sup>e.</sup>  
 8 there would be no hostile operations toward Chinchow.  
 9 For the Chinchow bombing, MINAMI issued a sever warning  
 10 to Commander HONJO, <sup>f.</sup> although he admitted that he  
 11 could have recalled him, but he "did not recognize the  
 12 need." <sup>g.</sup> In fact, MINAMI admitted that he approved  
 13 the action which HONJO took. <sup>h.</sup> MINAMI also approved  
 14 the appointment of DOHIHARA as Mayor of Mukden, which  
 15 he thought was an "unavoidable" step in the light of  
 16 the situation, <sup>i.</sup> and he also admitted he never took any  
 17 disciplinary measures to compel the leaders of the  
 18 Kwantung Army to carry out the orders they were getting  
 19 from Tokyo. <sup>j.</sup> On redirect examination, MINAMI testi-  
 20 fied that both the General Staff and the War Ministry  
 21 investigated the Kwantung Army to determine whether  
 22 the Army was ignoring the policies and intentions of  
 23

(NN-15. c. T. 19787	(NN-15. h. T. 19918
d. T. 19788	i. T. 19879
e. T. 10073-5	j. T. 19915)
f. T. 19788	
g. T. 19918	

24  
25

1 the Central authorities, and whether the "younger  
2 officers were treating its commanding general as a  
3 robot, or that ITAGAKI, ISHIHARA and other staff of-  
4 ficers were taking arbitrary action," and the report<sup>k.</sup>  
5 was that all these rumors were without foundation.

6 It is interesting to note that the General Staff  
7 investigation, which resulted in a whitewash, was  
8 made by NINOMIYA, a participant in the March Incident<sup>l.</sup>  
9 conspiracy, and the investigation by the War Ministry,  
10 which resulted in a similar whitewash, was made "with  
11 an extremely careful attitude," and after consultations<sup>m.</sup>  
12 with the Chief of the Army General Staff.  
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23 (NN-15. k. T. 20061-62  
24 1. T. 1927-8  
25 m. T. 20061)



1 NN-16. MINAMI's real views on the Mukden  
 2 incident are summed up by TANAKA, who, in testifying,  
 3 said that MINAMI told him in 1935<sup>a</sup> that he had advocated  
 4 a decisive settlement of the pending issues in Manchuria,  
 5 from the standpoint of national defense,<sup>b</sup> and because  
 6 of this he had come into "loggerheads with Foreign  
 7 Minister SHIDEHARA, who maintained a passive attitude,  
 8 resulting in friction which extended even into their  
 9 personal relations."<sup>c</sup>

10 NN-17. From the foregoing it appears that  
 11 MINAMI, in conjunction with the General Staff, approved  
 12 aggressive actions by the Kwantung Army in direct con-  
 13 flict with policies of non-expansion prescribed by the  
 14 Cabinet.

15 V. Views of MINAMI on Manchurian Incident.

16 NN-18. MINAMI believed that the Manchurian  
 17 Incident was an "unavoidable exercise" of the right  
 18 of self-defense,<sup>a</sup> and that even after it expanded  
 19 it was not a violation of the Nine-Power Treaty.<sup>b</sup> He  
 20 "firmly believed" that HONJO was loyally abiding by the  
 21 instructions he sent and "was not interfering with the  
 22 internal political affairs of Manchuria", but was  
 23

24 NN-16

25 a. T. 2,019  
 b. T. 2,020  
 c. T. 2,019

N-18

a. T. 19,883  
 b. T. 19,883

1 primarily engaged in the maintenance of law and order.<sup>c</sup>  
 2 He "took precautions" that no military administration  
 3 was to be set up.<sup>d</sup> And although he knew that under  
 4 the Portsmouth Treaty, Chinese sovereignty in Manchuria  
 5 was recognized,<sup>e</sup> he believed that Manchukuo was founded  
 6 in accordance with the will and wishes of the people of  
 7 Manchuria.<sup>f</sup>

8 NN-19. These opinions of MINAMI are in direct  
 9 conflict with his testimony that the real use Japan  
 10 intended to make of Manchukuo was as a base for  
 11 operations against Russia in the event of war between  
 12 Japan and Russia,<sup>a</sup> and they also conflict with his  
 13 tacit approval of DOIHARA's activities in connection  
 14 with the establishment of the Peace Preservation  
 15 Committee in Mukden under leadership of DOIHARA;<sup>b</sup>  
 16 the Liaoning Autonomous Government organization under  
 17 the sponsorship of DOIHARA;<sup>c</sup> the abduction of Pu-Yi,  
 18 through the efforts of DOIHARA;<sup>d</sup> and the establishment  
 19 of a "temporary expedient system" in Manchukuo which  
 20 provided for guidance of the various Chinese regimes  
 21 by a small section of the Kwantung Army with the plan  
 22 to "inwardly" guide a new regime if such were estab-  
 23

NN-18

24 c. T. 19,894  
 25 d. T. 19,894  
 e. T. 20,039  
 f. T. 20,040

NN-19

a. T. 10,807;  
 Ex. 837, T. 8160.  
 b. T. 33,605-6  
 c. T. 33,607-8  
 d. T. 33,618

lished by an "advisory body" of the Kwantung Army.<sup>e</sup>  
 1 MINAMI knew, or should have known, that plans were  
 2 thus made for the establishment of a puppet government  
 3 in Manchukuo by the interference and the guidance of  
 4 Japanese agencies in violation of the Nine-Power Pact,  
 5 and that procedures were planned and adopted to effect-  
 6 uate the continued domination of Manchukuo by Japan  
 7 through secret and evasive means. His testimony that  
 8 Manchukuo was established in accordance with the will  
 9 and wishes of the people of Manchukuo<sup>f</sup> and that HONJO  
 10 was not interfering with the internal political affairs  
 11 of Manchuria<sup>g</sup> is flatly disproved by the machinations  
 12 of his agents in the field who were doing the opposite.  
 13 That MINAMI knew fully what was going on appears from  
 14 SHIDEHARA's testimony<sup>h</sup> in which he stated: "I have  
 15 often told MINAMI of what was then happening there in  
 16 Manchuria, but my impression was that he practically  
 17 had no power to control these men." And if he had the  
 18 power, SHIDEHARA did not think that MINAMI sent out  
 19 orders to recall the officers who did not obey him.<sup>i</sup>  
 20 At a Cabinet meeting when the matter was broached  
 21

22 NM-19

- 23 e. Ex. 3377, T. 32,339-441; 33,629-30  
 24 f. T. 20,040  
 25 g. T. 19,894  
 h. T. 33,631-2  
 i. T. 33,633



SHIDEHARA said MINAMI "looked very much embarrassed."<sup>j</sup>

1 NN-20. The conclusion can be reached that  
2 MINAMI was entirely in sympathy with what occurred in  
3 Manchuria and that he wanted things to happen as they  
4 did, just as TATEKAWA permitted the original incident  
5 to occur because he did not want to stop it.<sup>a</sup>

6 VI. MINAMI's Activity After His Regime  
7 As War Minister.

8 NN-21. MINAMI testified that after his resign-  
9 ation as War Minister he was "given the obscure post of  
10 Supreme War Councillor," in which job he had nothing  
11 to do except assemble about twice a year to hear  
12 lectures given by the military authorities. He also  
13 said he acted as tutor to young Prince KAN-IN by request  
14 and therefore paid little attention, if any, to political  
15 and military matters.<sup>a</sup> On cross-examination, MINAMI  
16 admitted that within three weeks after his resignation  
17 as War Minister he was sent on an inspection trip to  
18 Manchuria under orders of his successor, War Minister  
19 ARAKI.<sup>b</sup> While on such trip, he knew that orders issued  
20 by him as War Minister to prevent the occupation of  
21 Chinchow had been disobeyed<sup>c</sup> and that the Kwantung Army

23 NN-19. j. T. 33,633

NN-21. a. T. 19,790

24 NN-20. a. T. 2,006; 2,505-7

b. T. 19,922

c. T. 19,922

SHIDEHARA said MINAMI "looked very much embarrassed."<sup>j</sup>

1 NN-20. The conclusion can be reached that  
2 MINAMI was entirely in sympathy with what occurred in  
3 Manchuria and that he wanted things to happen as they  
4 did, just as TATEKAWA permitted the original incident  
5 to occur because he did not want to stop it.<sup>a</sup>

6 VI. MINAMI's Activity After His Regime  
7 As War Minister.

8 NN-21. MINAMI testified that after his resign-  
9 ation as War Minister he was "given the obscure post of  
10 Supreme War Councillor," in which job he had nothing  
11 to do except assemble about twice a year to hear  
12 lectures given by the military authorities. He also  
13 said he acted as tutor to young Prince KAN-IN by request  
14 and therefore paid little attention, if any, to political  
15 and military matters.<sup>a</sup> On cross-examination, MINAMI  
16 admitted that within three weeks after his resignation  
17 as War Minister he was sent on an inspection trip to  
18 Manchuria under orders of his successor, War Minister  
19 ARAKI.<sup>b</sup> While on such trip, he knew that orders issued  
20 by him as War Minister to prevent the occupation of  
21 Chinchow had been disobeyed<sup>c</sup> and that the Kwantung Army

23 NN-19. j. T. 33,633

24 NN-20. a. T. 2,006; 2,505-7

NN-21. a. T. 19,790  
b. T. 19,922  
c. T. 19,922

<sup>d</sup>  
 had occupied Chinchow on January 3, 1932. Yet he did  
 1 not ask HONJO why he was disobeying the orders he had  
 2 received,<sup>e</sup> although on his return he says he reported  
 3 to ARAKI that the occupation of Chinchow was contrary  
 4 to the policies which he had set up during his tenure  
 5 of office.<sup>f</sup> Upon receiving this information all ARAKI  
 6 did was to listen.<sup>g</sup> On cross-examination, MINAMI  
 7 recalled that in addition to listening to lectures as  
 8 a Supreme War Councillor he, himself, delivered a lecture  
 9 before the Emperor on 28 January 1932 on the latest  
 10 situation in Manchuria.<sup>h</sup> Among others present was KIDO.<sup>i</sup>  
 11 In this lecture MINAMI concluded that Japan should take  
 12 over the defense of Manchuria-Mongolia and expedite  
 13 completion of the Kirin-Kwainai Railway, thus making  
 14 the Sea of Japan into a lake and facilitate Japan's  
 15 advance into the North Manchuria area;<sup>j</sup> take concrete  
 16 measures economically by Japanese-Manchuria Joint  
 17 Management as a hedge against economic blockade from  
 18 abroad; and take measures to solve the population problem  
 19 by giving emigrants in Manchuria the same protection  
 20 as they receive in South America, provided a colonial  
 21 trooping system is established there.<sup>k</sup>  
 22  
 23

24 NN-21  
 25

d. T. 19,921  
 e. T. 19,922  
 f. T. 19,923  
 g. T. 19,923

h. Ex. 2251, T. 19,924-5  
 i. T. 19,924  
 j. T. 19,924  
 k. T. 19,925



NN-22. In view of MINAMI's continued activity for the War Department as a direct representative of War Minister ARAKI, his report to the Emperor of his findings and his being "tutor" to Prince KAN-IN, he was far from being the inactive person he sought to paint himself. His sudden emergence as Commander of the Kwantung Army in December 1934 illustrates in no uncertain manner his importance in the chain of events centering around Manchuria, in which he was so much concerned initially when the overt act at Mukden took place.

VII. MINAMI as Commanding General of the Kwantung Army.

NN-23. From 10 December 1934 to 6 March 1936 MINAMI was Commander in Chief of the Kwantung Army.<sup>a</sup> He was concurrently Ambassador to Manchukuo and as such was in direct communication with the Foreign Office in Tokyo.<sup>b</sup> He testified that his principal problem was the stabilization of Manchuria and maintenance of peace. He also said he gave advice to the Manchukuoan Government on various matters such as agriculture, transportation, education,<sup>c</sup> and he admitted he exercised "absolute control over the military and diplomatic affairs of Manchukuo."<sup>d</sup> He no doubt knew that in the regime of

NN-23 a. Ex. 117, T. 740-2, T. 19,948  
 b. T. 19,955-6  
 c. T. 19,962  
 d. T. 19,963

1 his predecessor an advisor system had been established  
2 by General TADA which gave the Kwantung Army complete  
3 control of the Manchukuoan Army as well as the  
4 Manchukuo Government;<sup>e</sup> and not satisfied with this  
5 admitted system of control over the internal and external  
6 affairs of Manchukuo, MINAMI knew that such control was  
7 tightened by a preponderance of Japanese on the General  
8 Affairs Board of Manchukuo, although he tried to explain  
9 this away by saying that the deciding vote Japan had on  
10 the Board was of no value to Japan, since this Japanese,  
11 as a Manchurian official,<sup>f</sup> received "no treatment as  
12 a Japanese official", since he obeyed "the laws of  
13 Manchukuo as an official of the Manchukuo Government  
14 and represents Manchukuo."<sup>g</sup> This conclusion on  
15 MINAMI's part seemed to differ from the view of HIROTA,  
16 who concluded that such official was "simultaneously a  
17 leading instrument dispatched by Japan", and MINAMI  
18 believed that this was "a cause of anxiety" for his  
19 colleague HIROTA.<sup>h</sup> Naturally, this sad state of  
20 affairs, this conflict of fiduciary relationship, would  
21 be not only embarrassing but absolutely unworkable if  
22

NN-23

e. Ex. 3378-A, T. 32,357-72

f. T. 19,965

g. T. 19,966

h. T. 19,967

1 it had not been aimed at providing control by Japan,  
2 rather than the "free and equal partnership between  
3 Japan and Manchukuo" which MINAMI so naively claimed  
4 existed.<sup>1</sup>  
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NN-23

i. T. 19,965.



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1 NN-24. While MINAMI was Commander-in-Chief  
2 of the Kwantung Army, he also approved a plan for  
3 controlling organs directing public opinion in Man-  
4 churia.<sup>a.</sup> He decided that this was necessary because<sup>b.</sup>  
5 of the intense competition in the publishing world.  
6 The real reason was that there were many newspapers  
7 and journals owned by the Chinese, and this was an  
8 element in the decision to guide public opinion to  
9 secure the "healthy development of Manchukuo"<sup>c.</sup> by  
10 making them conform to Japan's views, or be eliminated.

11 NN-25. As for the UMEZU-Ho, Yin-chin,  
12 DOIHARA-Cheng Te-Chun, and other agreements which  
13 were concluded in 1935, MINAMI claimed that they were<sup>a.</sup>  
14 consummated in an "exceedingly friendly atmosphere."  
15 He did not know, he claimed, that the UMEZU-Ho Agree-  
16 ment resulted from an ultimatum with a fixed date,  
17 with the alternative an invasion of China by the  
18 Kwantung Army.<sup>b.</sup> He claimed he never saw the agree-  
19 ment,<sup>c.</sup> and he said that although he had seen news-  
20 paper reports of the impending movement of Kwantung  
21 Army troops into China,<sup>c.</sup> he believed such reports  
22 were groundless rumors and suppositions and he  
23 placed no confidence in them whatsoever.<sup>c.</sup>

25 NN-24. a. T. 19967; b. T. 19968; c. T. 19967.

NN-25. a. T. 19981, 19794; b. T. 19981; c. T. 19983.  
d. Ex. 2206-A, T. 15771-2; e. T. 19985.

1 He further claimed that there were rumors of demands  
2 by the North China Army, which was commanded by UMEZU  
3 at one time and by General TADA later, but MINAMI  
4 claims he knew nothing of what took place,<sup>f.</sup> although  
5 he did admit that General UMEZU attended a conference  
6 at Mukden on 29 May 1935, at which MINAMI and General  
7 HAYASHI were also present.<sup>g.</sup> At this meeting UMEZU,  
8 he says, reported only on conditions in the area of  
9 his command, namely North China, but not one word was  
10 said about the impending UMEZU-Ho Agreement which was  
11 consummated in the first week of June 1935. MINAMI  
12 claims that at the meeting of 29 May 1935 UMEZU merely  
13 gave his "greetings" and returned to Peking, after  
14 having reported on "routine business matters."<sup>h.</sup>  
15 MINAMI also said that HAYASHI came to Manchuria on  
16 the occasion of this tri-partite conference only in  
17 order "to inspect conditions in Manchuria" and he did  
18 not mention the subject of troop movements or ulti-  
19 matums.<sup>i.</sup> MINAMI said that the rumors that troop  
20 movements might take place were "all groundless,"  
21 based on mistaken suppositions, and unworthy of notice.<sup>i.</sup>

22 NN-26. On the conclusion of the UMEZU-Ho  
23 Agreement only a few days after the meeting mentioned

24 NN-25. f. T. 19986. g. T. 19986; h. T. 19987.  
25 i. T. 19989.

1 above, MINAMI received a report of the same, but he  
 2 said he did not know about "small details" such as  
 3 whether the Chinese agreed to all the demands, and he  
 4 said he thought an ultimatum with a time limit with  
 5 a threat of invasion was "too silly."<sup>a.</sup> MINAMI's  
 6 testimony as to UMEZU's ultimatum is discredited by  
 7 testimony of defense witness KUYASHIMA who stated that  
 8 beginning in May, 1935, there were skirmishes between  
 9 Japanese and Chinese forces followed by protests  
 10 lodged directly with the Chinese Government by the  
 11 Kwantung and North China Stationary Forces, imposing  
 12 conditions such as withdrawal of Chinese forces and  
 13 extermination of Kuomintang branches and enforced the  
 14 fulfillment of these conditions with an ultimatum.<sup>b.</sup>  
 15 This testimony also confirms the newspaper reports  
 16 of the Ho-UMEZU Agreement.<sup>c.</sup> However, MINAMI heard  
 17 that in consequence of the agreement the Chinese  
 18 evacuated their troops from North China.<sup>d.</sup> All anti-  
 19 Japanese military forces were withdrawn on 10 June  
 20 1935.<sup>e.</sup>  
 21

22 NN-27. MINAMI also denied that he had  
 23 knowledge of an ultimatum DOHIMARI had given the  
 24 Chinese on 18 November 1935 that unless autonomy

25 NN-26. a. T. 19991; b. T. 29488-90; c. Ex. 2206-A,  
           d. T. 19991.                                  T. 15771-82.  
           e. T. 20787.



1 of the north was proclaimed, five Japanese divisions  
 2 were going into Hopei and six into Shantung. He  
 3 admitted that autonomous regimes for Eastern Hopei  
 4 and Hopei-Chahar were established, but these, he said,  
 5 were set up by the Chinese themselves.<sup>a.</sup> On 12  
 6 November 1935, MINAMI telegraphed the War Ministry  
 7 that he had issued orders for the First Mixed Brigade  
 8 to concentrate outside the Great Wall near Shanhaikwan  
 9 by 15 November 1935 to cooperate with the China Garri-  
 10 son Army.<sup>b.</sup> MINAMI telegraphed the War Ministry the  
 11 Kwantung Army orders of 16 November 1935 which  
 12 directed the Air Forces to advance between Shanhaikwan,  
 13 Suichung and Chinchow by 20 November and to prepare  
 14 for marching towards the Peiping-Tientsin area.<sup>c.</sup>  
 15 These telegrams confirm MINAMI's cooperation with  
 16 DOHIHARA in setting up "autonomous" regimes in Eastern  
 17 Hopei and Hopei-Chahar, and give the lie to his state-  
 18 ments appearing in the record.<sup>d.</sup> When confronted with  
 19 a document dated 9 December 1935, entitled "Kwantung  
 20 Army's Propaganda Plan which shall be carried out in  
 21 parallel with its military activity in North China,"<sup>e.</sup>  
 22 he admitted that things described in the document  
 23 really happened.<sup>f.</sup> This document included such  
 24 NN-27. a. T. 19996; b. T. 3317-A, T. 30391-2.  
 25 c. Ex. 3318-A, T. 30394-5.  
 d. T. 19793, T. 19777-85, 19995-7.  
 e. Ex. 195, T. 19997-9; f. T. 20006.

1 material as follows: "We start our propaganda to  
 2 convince the whole world of our lawfulness as soon as  
 3 the advancement of the Kwantung Army into North China  
 4 takes place. . . It must be made clear that when we  
 5 do dispatch our military force to China sometime in  
 6 the future, we do it for the purpose of punishing  
 7 the Chinese military clique, and not the Chinese  
 8 people at large. . ." <sup>s.</sup>

9 NN-28. In view of the foregoing activities  
 10 of aggression planned or consummated, MINAMI still  
 11 maintained that while he was in command of the Kwan-  
 12 tung Army he was doing nothing hostile to the Chinese  
 13 Government. <sup>a.</sup>

14 NN-29. Vis-a-vis the Soviet, there were  
 15 plans of the Kwantung Army in 1934 and 1935 for a  
 16 war against U. S. S. R.; <sup>a.</sup> and from 1934 to 1936  
 17 MINAMI as Commanding General of the Kwantung Army was  
 18 engaged in the development of Manchuria as a military  
 19 base for an attack by Japan against the U. S. S. R. <sup>b.</sup>  
 20 It was in this same period that the Kwantung Army  
 21 furthered the creation of an autonomous movement in  
 22 North China and an Inner Mongolian autonomous regime,  
 23

24 NN-27. s. T. 19998-9.

NN-28. a. T. 20000.

25 NN-29. a. Ex. 839A, T. 8175.

b. Ex. 670, T. 7330, 20037-8; Ex. 3371, T. 31835;  
 T. 19951-2; Ex. 706, 708, 712-6.

1 the purpose of which was to separate the five provinces  
 2 from the Nanking regime<sup>c.</sup> and to bring this area into  
 3 close relationship with Manchuria under Japanese leader-  
 4 ship.<sup>d.</sup> This movement gained great headway from June  
 5 1935, after the conclusion of the UMEZU-Ho Agreement.<sup>e.</sup>  
 6 KAWASHIMA, Kasue testified that in November, the  
 7 Foreign Office received information that the Kwantung  
 8 Army was concentrating its mechanized troops at Shankai-  
 9 kwan with a view to intimidating North China. The  
 10 Foreign Office warned the army not to take such  
 11 action.<sup>f.</sup> During his stay in Manchuria MINAMI fostered  
 12 the activities of the Kyo-wa Kai society in the matter  
 13 of preparing the population of the country for a war  
 14 with the U. S. S. R. and continued personally to guide  
 15 the subversive activities directed against the Soviet  
 16 Union in using the Kharbin Special Service Organ  
 17 subordinated to him for this purpose. In December  
 18 1934 in Kharbin was organized the "Bureau for the  
 19 Russian emigrants affairs" which was widely used by  
 20 the Kharbin Special Service Organ for the activities  
 21 hostile to the Soviet Union.<sup>g.</sup>

23 VIII. Activities subsequent to his career  
 24 in Manchuria.

25 NN-29. c. T. 2026; d. T. 2027; e. T. 2027;  
 f. T. 29, 488-90. G. Ex. 731, T. 3853.



1 NN-30. MINAMI became Governor General of  
 2 Korea on 5 August 1936.<sup>a.</sup> On 23 September 1938, while  
 3 Governor General, he wrote Foreign Minister UGAKI of  
 4 the "invincible" Japanese troops, the "Holy War"  
 5 against China, the necessity for the "recognition  
 6 of a pro-Japanese regime in North and Central China"  
 7 and the enhancement of the prestige of Japan, and the  
 8 imminency of the fall of Hankow.<sup>b.</sup> MINAMI admitted  
 9 that he had previously stated that he was against a  
 10 war with China, but explained that what he meant was  
 11 that it was always highly unfavorable and a disad-  
 12 vantage to fight a war with a neighboring country.<sup>c.</sup>  
 13 As for the China war, he said these hostilities oc-  
 14 curred as a result of "unavoidable circumstances."<sup>d.</sup>  
 15 Finally, in order to really explain his change of  
 16 attitude, he said that his views on peace with China  
 17 were views held by him prior to the outbreak of the  
 18 incident.<sup>e.</sup>  
 19

20 NN-31. It was while he was Governor General  
 21 of Korea, on 14 May 1941,<sup>a.</sup> that he received from  
 22 Hitler the decoration of the Grand Cross of the  
 23 Eagle, a decoration only 2 or 3 other Japanese had

24 NN-30. a. Ex. 117, T. 740-2.

25 b. Ex. 2437, T. 20012-3; T. 20010.

c. T. 20014; d. T. 20014; e. T. 20015.

NN-31. a. T. 20016.

1 ever received, but he did not know the reason why he<sup>b.</sup>  
 2 had been thus singled out by Hitler for such award.

3 NN-32. Also while Governor General of Korea,  
 4 he gave his consent to the internment of 1000 British  
 5 and 1000 American POW in Korea, "as it would be very  
 6 effective in stamping out the respect and admiration  
 7 of the Korean people for Britain and America."<sup>a.</sup> The  
 8 arrangement regarding this matter was made while<sup>b.</sup>  
 9 ITAGAKI was Commander-in-Chief of the Korean Army,  
 10 and the matter was fundamentally one to be arranged  
 11 by the army. However, the consent of the Governor  
 12 General, or at least his favorable views, had to be  
 13 obtained, otherwise the request for authority to intern  
 14 such POW would not have stated that "the Governor  
 15 General and the army are both strongly desirous of  
 16 it."<sup>c.</sup>

17 NN-33. In May 1942, MINAMI became a member  
 18 of the Privy Council.<sup>a.</sup> He admitted attending a  
 19 series of meetings in October 1942 concerning the  
 20 Greater East Asia Ministry.<sup>b.</sup> At one of these meet-  
 21 ings it was stated that the draft for the establish-  
 22 ment of the Greater East Asia Ministry was not based

24 NN-31. b. T. 20016.

NN-32. a. Ex. 1973; T. 20018. b. T. 20017; c. T. 20018.

25 NN-33. a. T. 20021; b. T. 20021.

upon "rules of night."<sup>c.</sup> MINAMI remembered that such  
a statement was made and he agreed with it.<sup>d.</sup>

NN-34. As for the establishment of a Greater  
East Asia Ministry, MINAMI claimed that he opposed it,<sup>a.</sup>  
but his only ground of opposition was that there was  
already a Ministry for Foreign Affairs and this new  
ministry was but adding "one house on top of another."<sup>b.</sup>

His opposition seemed to melt later, when he con-  
gratulated SHIGEMITSU on becoming Minister of Greater  
East Asiatic Affairs as well as Minister of Foreign  
Affairs.<sup>c.</sup> Also, while a member of the Privy Council,  
on 18 August 1943 he concurred in the arrangement  
whereby parts of Malaya were handed over to Thailand;<sup>d.</sup>  
and he also admitted that he concurred in TOJO's views  
that "international law should be interpreted from the  
viewpoint of executing the war according to our (Japan's)  
own opinions."<sup>e.</sup> He also became President of the

Greater Japan Political Association,<sup>f.</sup> whose principal  
aim was to extend the Co-Prosperity Sphere all over  
Asia, including India, Burma, the Dutch East Indies  
and the Philippines.<sup>g.</sup> He believed in Asia for the  
Asiaties,<sup>h.</sup> but he thought the idea of Japan ruling

24 NN-33.-a. T. 20022. d. T. 20023.  
NN-34. a. T. 20023; b. T. 20023-4. c. T. 20026.  
25 d. T. 20027; e. T. 20029; f. T. 20033.  
g. T. 20034; h. T. 20034.



1. the world was an entirely mistaken notion. Apparently  
1 MINAMI was satisfied if such rule could be imposed  
2 within the limits of the Co-Prosperity Sphere in  
3 Asia. While still a member of the Privy Council,  
4 MINAMI was appointed President of the Greater Japan  
5 Political Association in March, 1945. One of the  
6 principal aims of this association was to extend the  
7 Greater East Asia Co-Prosperity Sphere over all East  
8 Asia, including India, Burma, Dutch East Indies and  
9 Philippines. j.  
10

11 IX. Connection of MINAMI with Charges in  
12 the Indictment.

13 NN-35. Counts 1-5. The evidence of MINAMI's  
14 activities while War Minister, and his dealings with  
15 KOJISO, TATEKAWA, MINOMIYA and others who conspired  
16 to secure domination for Japan, his later approval  
17 of the China War, and his activities in the Greater  
18 East Asia movement connect him with these counts as a  
19 conspirator.  
20

21 Counts 6-18. The evidence of MINAMI's approval  
22 of the expanding movements in Manchuria, Mongolia and  
23 North China connect him with these counts as planning  
24 and preparing a war of aggression.

25 NN-34. i. T. 20048. j. T. 20033-4.

1           Counts 27-32 and 34. The evidence of MINAMI's  
2 activities while War Minister and as Commander-in-Chief  
3 of the Kwantung Army while the movements for the  
4 separation of parts of China were taking place connect  
5 him with these counts wherein he is charged with  
6 waging wars of aggression.

7           Counts 54-55. As for these counts under  
8 which he is charged with conspiracy to order, etc.  
9 breaches of law or customs in respect to POW in China,  
10 he can be held as a co-conspirator, except in the  
11 instance of his action in having British and American  
12 POW brought to Korea for illegal purpose, in which  
13 case he is directly chargeable for the wrongdoing.  
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THE PRESIDENT: Mr. Lopez.

MR. LOPEZ: If the Tribunal please:

MUTO, Akira.

OO-1. Akira MUTO is indicted under the overall conspiracy (counts 1 to 5), and particularly under counts 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 53, 54, and 55.

OO-2. MUTO played a significant part in fostering the conspiracy, as (a) one of the policy-makers in Tokyo before, during and after the attack on Pearl Harbor, and as (b) officer on the field of operations.

I. As Policy-Maker.

OO-3. MUTO was Chief of the Military Affairs Bureau of the War Ministry from September 30, 1939, to April 20, 1942, <sup>a.</sup> and within that span of time the following decisive events in Japanese and world history happened: (1) the mass exploitation and expansion of the ill-gotten gains in Manchuria and China; (2) the fall of the YONAI Cabinet, which marked the beginning of a renewed all-out effort of Japan to ally herself militarily with Germany and Italy for world dominance; (OO-3. a. Ex. 118, T. 744, 746.)



1 (3) the conclusion of the Tripartite Pact; (4) the  
2 birth and predominance of the ultra-nationalistic  
3 Imperial Rule Assistance Association; (5) the southward  
4 moves on the riches of Indo-China, Indonesia and the  
5 South Sea Islands; (6) the eventual attack on Pearl  
6 Harbor, Singapore, Philippines, Indonesia, and Burma;  
7 and (7) the infamous Bataan Death March, the shocking  
8 atrocities and mistreatment of Allied prisoners of war  
9 in Singapore and other areas.

10 OO-4. In setting out MUTO's share and respon-  
11 sibility for the formulation and execution of the  
12 policies that mothered and nurtured those events, we  
13 start with a brief inquiry into the importance of  
14 the office of Chief of the Military Affairs Bureau.  
15 Major General Ryukichi TANAKA, former Chief of the  
16 Military Service Bureau and MUTO's former colleague  
17 and collaborator, characterized MUTO as the "equivalent  
18 to Chief of Staff of the War Ministry," and "because  
19 of his brilliant brains and political ability he was  
20 the outstanding character -- he was one of the prin-  
21 cipal figures in the War Ministry."<sup>a.</sup> Colonel Shigero  
22 YAMAZAKI, another War Ministry high official, con-  
23 curred with TANAKA on this impression.<sup>b.</sup> TANAKA  
24 (OO-4. a. T. 15,863.  
25 b. T. 14,846.)

1 continued to say that during the YONAI and TOJO Cabi-  
2 nets, "in reality the army was the driving force in  
3 Japan, and almost all of the policies of the army were  
4 evolved from the brilliant mind of MUTO..."<sup>c.</sup>

5 OO-5. Key to MUTO's power was the control  
6 his bureau had over the army budget. The General  
7 Staff drew up "plans for the operations, mobilization  
8 and organization of the army," but "in order to put  
9 these plans into execution the General Staff must gain  
10 the agreement of the Military Affairs Bureau which is  
11 that section of the War Ministry in charge of providing  
12 the money, funds, and the means of carrying out these  
13 plans."<sup>a.</sup> Lieutenant General Shinichi TANAKA was asked  
14 by the Tribunal what would happen if the War Ministry  
15 refused to provide material, men or other things re-  
16 quired by the General Staff, and the former chief of  
17 the operations section of the General Staff replied  
18 that in that case the operational plans could not be  
19 formulated; it was a matter of practice for the  
20 General Staff to draft operational plans within the  
21 limitation of the men and materials provided by the  
22 War Ministry.<sup>b.</sup>

23  
24 OO-6. In his capacity as Government

25 (OO-4, c. T. 15,864.

OO-5, a. T. 15,861.

b. T. 16,166-67.)

1 Commissioner for Affairs,<sup>a.</sup> MUTO regularly appeared  
 2 before the Diet. He obtained needed appropriations  
 3 for the army.<sup>b.</sup> MUTO was the liaison between the army  
 4 and the Diet,<sup>c.</sup> between the army and the Foreign Office,<sup>d.</sup>  
 5 between the War Ministry and Army General Staff.<sup>e.</sup>  
 6 There were occasions when he too was the spokesman  
 7 for both the army and navy.<sup>f.</sup>

8 OO-7. With this broad background on the  
 9 source of his power, we shall presently show how  
 10 MUTO reached out into almost every important governmental  
 11 activity and personally participated in formulating  
 12 policy-making decisions or carried out on high levels  
 13 those already made, which brought about these events:

14 1. Manchuria and China Incidents.

15 OO-8. During the Mukden Incident of 18 Sep-  
 16 tember 1931, MUTO was Major on the Army General Staff.<sup>a.</sup>  
 17 He became Colonel and Staff Officer of the Kwantung  
 18 Army in 1936-37.<sup>b.</sup>

19 OO-9. In March 1937 MUTO was Chief of the  
 20 Second Section of the Army General Staff in charge  
 21 of operations and organization.<sup>a.</sup> Thus, he had  
 22 responsibility for the operations against North China

23 (OO-6. a. Ex. 118, T. 745-46. d. T. 33,103.  
 24 b. T. 32,956. e. T. 16,141-4.  
 25 c. T. 33,122. f. T. 33,266.  
 OO-8. a. T. 2006. b. T. 16,118.  
 OO-9. a. T. 33,085.





with the Five Ministers' Conference." <sup>a.</sup> When shown  
 1 item No. 16, page 4 of the English text of exhibit  
 2 3457, he insisted that the "so-called committee" was  
 3 no longer in existence when he "became chief of the  
 4 Military Affairs Bureau," and he knew "nothing about  
 5 it." <sup>b.</sup> Obviously, he did not realize that exhibit 3459  
 6 had escaped burning.  
 7

8 OO-13. That portion of exhibit 3459, which  
 9 recited that the acting Secretary General of the China  
 10 Affairs Board requested the "Chief of the Military  
 11 Affairs Bureau, who is a member of the Liaison Com-  
 12 mittee to attend the meeting at the Premier's official  
 13 residence on March 5, 1942 to hear the Liaison Section  
 14 Chief's report on the current situation," was read  
 15 into the record; MUTO was then asked if he persisted  
 16 in his reply that he was not a member of the secret  
 17 Liaison Committee of the China Affairs Board. <sup>a.</sup> He  
 18 tried to wiggle out by saying that his misapprehension  
 19 arose from the use of the phrase "secret Liaison Com-  
 20 mittee," implying thereby that he was misled by the  
 21 adjective "secret," which he claimed the committee was  
 22 <sup>b.</sup> not.  
 23

24 OO-14. MUTO's excuse would at first blush

25 (OO-12. a. T. 33,197. b. T. 33,198.  
 OO-13. a. T. 33,203-33,205. b. T. 33,205.)

1 seem plausible were it not for paragraph II of the draft  
 2 resolution, <sup>a.</sup> which specifically provides that "this com-  
 3 mittee is a secret committee belonging to the conference  
 4 of the Five Ministers" and composed of eight members,  
 5 among whom were the Chief of the Military Affairs Bureau  
 6 and the Chief of the Military Affairs Section of the  
 7 Military Affairs Bureau. There were four secretaries  
 8 to the secret committee, among whom was the Chief of  
 9 the Military Affairs Section of the Military Affairs  
 10 Bureau. Hence, the Military Affairs Bureau had two  
 11 memberships on the secret committee and another one  
 12 on the secretariat of the secret committee. <sup>b.</sup>

13 OO-14. Through this secret committee, AUTO  
 14 had active executive participation in bleeding China  
 15 and her people. He certainly had a hand in the later  
 16 stages of Japanese schemings to set up Wang Ching Wei  
 17 as their puppet in China which culminated on March 30,  
 18 1940, in the formal establishment of the Nanking  
 19 Government, <sup>a.</sup> and in the conclusion on October 10, 1940  
 20 of a "treaty" between that new government and Japan  
 21 which covered with some mantle of legality Japanese  
 22 ruthless exploitation of Chinese natural and human  
 23 resources. <sup>b.</sup>  
 24

25 (OO-14. a. Ex. 3457, T. 37,364-5.  
 b. Ex. 3457, T. 37,364-5.  
 OO-15. a. Ex. 276A, T. 3701.

b. Ex. 464, T. 5325; Ex. 2721A, T. 24,002.)



## 1 b. Japan's Peace Terms to China.

1           00-16. Exhibit 3456, a top secret document  
2 of the Foreign Ministry, reflects that MUTO and the  
3 accused OKA discussed on September 6, 1941, at the  
4 official residence of the Foreign Minister, the basic  
5 conditions for settling the China Incident.  
6

7           00-17. Note that practically the same terms  
8 and conditions in exhibit 3456 were later on incor-  
9 porated in exhibit 1245-F which contained Japan's  
10 peace terms to China, and were handed to Ambassador  
11 Grew at Tokyo on September 22, 1941.<sup>a.</sup> Also note that  
12 down to the last critical moments of the Japanese-  
13 American negotiations, Japan stuck tenaciously to  
14 the terms demanded in exhibit 3459 and exhibit 1245-F.  
15 Japan gave as her reason for insisting on the per-  
16 manent stationing of her troops in certain areas in  
17 China, including Hainan Island, the desire to contain  
18 communism. MUTO himself on the stand had to concede  
19 the obvious that there was no threat to Japan of  
20 communism infiltrating from Borneo, Sumatra or the  
21 Philippines, which would necessitate the garrisoning  
22 of Japanese troops at Hainan Island.<sup>b.</sup> Undoubtedly  
23 many of the Japanese troops that invaded Malaya on  
24 December 8, 1941, were poised from Hainan which had  
25 (00-17. a. T. 10,792.           b. T. 33,196-7.)

1 been seized by combined Japanese naval and military  
2 <sup>c.</sup> forces and had been made a jumping-off base for  
3 Singapore.

4 OO-18. For his services in the 1931-1935  
5 Incident, MUTO was decorated on April 29, 1934, with  
6 the Third Merit of the Order of the Middle Cord on of  
7 the Rising Sun. <sup>a.</sup> And for his services in the China  
8 Affair, he was decorated on April 29, 1940, with the  
9 Third Order of the Golden Kite and with the Order of  
10 the Double Rays of the Rising Sun. <sup>b.</sup>

11 THE PRESIDENT: We will adjourn until half-  
12 past nine tomorrow morning.

13 (Whereupon, at 1600, an adjournment  
14 was taken until Thursday, 26 February 1948, at  
15 0930.)

16 - - -

17 (OO-17. c. Ex. 613-A, T. 6732-3.  
18 OO-18. a. Ex. 118, T. 752-3.  
19 b. Ex. 118, T. 745.)  
20  
21  
22  
23  
24  
25